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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary
Forms of Slavery
Twenty-fourth session
23 June-2 July 1999

PROVISIONAL AGENDA

1. Election of officers.
2. Adoption of the agenda.
3. Suppression of the traffic in persons and the exploitation of the prostitution of others.
4. Review of the implementation of and follow-up to the conventions on slavery:
 - (a) Status of the conventions;
 - (b) Review of information received regarding the implementation of the conventions and programmes of action.
5. Review of developments in the field of contemporary forms of slavery and measures to prevent and suppress all contemporary forms of slavery, including the struggle against corruption as a promoting factor of contemporary forms of slavery:
 - (a) Economic exploitation:
 - (i) Domestic and migrant workers;
 - (ii) Bonded labour;

- (iii) Child labour;
- (iv) Forced labour;
- (b) Sexual exploitation:
 - (i) Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography.
- 6. Other forms of exploitation:
 - (a) Illegal activities of certain religious and other sects;
 - (b) Incest and sexual abuse of children;
 - (c) Illegal and pseudo-legal adoptions aimed at exploitation of children;
 - (d) Traffic in human organs and tissues;
 - (e) Activities of the Special Rapporteur on violence against women;
 - (f) Paedophilia;
 - (g) Miscellaneous: slavery-like practices in armed conflicts.
- 7. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.
- 8. Adoption of the report of the Working Group on its twenty-fourth session to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.



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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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of Minorities
Working Group on Contemporary
Forms of Slavery
Twenty-fourth session
23 June - 2 July 1999

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General pursuant to paragraph 13
of resolution 1988/31 of the Sub-Commission

1. Election of officers

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that unless the Commission decides otherwise, its subsidiary organs shall elect their own officers.

2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Contemporary Forms of Slavery is contained in document E/CN.4/Sub.2/AC.2/1999/1.

3. The programme of work of the Working Group for the period 1988-1997 included the following themes discussed in successive years: prevention of the sale of children, of the prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991); an overall evaluation of its activities during the fourteenth, fifteenth and sixteenth sessions, as well as the consideration of any crucial, serious or urgent matters. The

Working Group also decided to work by themes and to seek solutions and strategies, giving particular attention to the following items included in the agenda: training of law enforcement officials and police, economic development programmes, information campaigns, education programmes for children in danger, new forms of legislation, rehabilitation measures and the protection of working children (1992-1994). It decided to consider the issues of illegal adoptions, domestic workers and in particular girl children (1995); the World Congress Against Commercial Sexual Exploitation of Children; migrant workers, in particular women and girl domestic workers (1996), paedophilia and illegal activities of certain religious and other sects, as well as to pay particular attention to the struggle against corruption as a promoting factor of contemporary forms of slavery (1997). The Working Group agreed that special attention should be devoted to domestic and migrant workers at each session.

4. At its twenty-third session (1998), the Working Group decided to devote its 1999 session to the issue of trafficking in persons. Consequently, the Working Group decided to reorganize its provisional agenda slightly in order to reflect this priority. Therefore, the item on the suppression of the traffic in persons and the exploitation of the prostitution of others became the third item on the agenda. In the same line, four NGOs decided to organize prior to the 1999 session of the Working Group a seminar on trafficking, prostitution and the global sex industry (21-22 June 1999).

3. Suppression of the traffic in persons and the exploitation of the prostitution of others

5. Relevant Sub-Commission resolutions regarding this issue are 6 B (XXXI) of 13 September 1978; 1987/31; 1988/31; 1990/30; 1991/115 and 1992/3.

6. Relevant Economic and Social Council resolutions relating to this item are 1980/4; 1981/40; 1982/20; 1983/30; 1989/74; 1990/46; 1991/35; 1992/10; 1993/48.

7. In its resolution 1991/37, the Sub-Commission endorsed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, drawn up by the Working Group on Contemporary Forms of Slavery at its sixteenth session (E/CN.4/Sub.2/1991/41, annex I).

8. The Commission on Human Rights, in its resolution 1992/36, endorsed the views expressed by the Sub-Commission on the need to launch concerted action to combat the traffic in persons and the exploitation of the prostitution of others and decided to transmit the draft programme of action to Governments, specialized agencies and intergovernmental and non-governmental organizations for their comments.

9. Upon the request of the Commission, the Secretary-General submitted reports (E/CN.4/1993/58 and Add.1 and E/CN.4/1994/71 and Add.1) containing summaries of the comments received to the Commission at its forty-ninth and fiftieth sessions. No action was taken by the Commission at those sessions with regard to the draft programme of action and the comments contained in the above-mentioned reports.

10. In its resolution 1994/5, the Sub-Commission recommended that the Commission on Human Rights take into consideration at its fifty-first session and eventually adopt the draft programme of action. The Commission, in its resolution 1995/27, requested the Sub-Commission at its forty-seventh session to review the draft programme of action in the light of comments already received or to be received and to submit to the Commission at its fifty-second session a final draft for approval.

11. In its resolutions 1995/25, 1996/24 and 1997/19, the Commission drew the attention of the Working Group to the problem of the traffic in women and girl children.

12. At its twentieth session, and in accordance with paragraph 13 of Commission resolution 1995/27, the Working Group reviewed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others in the light of comments received.

13. In its resolution 1995/16, the Sub-Commission transmitted to the Commission the revised draft programme of action for adoption.

14. In its resolution 1996/61, the Commission on Human Rights approved the draft programme of action as contained in document E/CN.4/Sub.2/1995/28/Add.1, while noting differences between States in the scope of applicability of their criminal legislation with regard to, *inter alia*, prostitution and the production, distribution and possession of pornographic material.

15. In its resolutions 1996/12, 1997/22 and 1998/19, the Sub-Commission requested the Secretary-General to invite all States to report periodically on measures adopted to implement the Programme of Action and the effectiveness of such measures. As of 5 May 1999, no replies had been received.

4. Review of the implementation of and follow-up to the conventions on slavery

(a) Status of the conventions

16. The Commission on Human Rights, in its resolution 1994/25, and the Sub-Commission, in its resolution 1993/5, requested the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974.

17. Information relating to the status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is contained in two notes by the Secretary-General (E/CN.4/Sub.2/AC.2/1999/2 and E/CN.4/Sub.2/AC.2/1999/3, respectively).

(b) Review of information received regarding the implementation of the conventions and programmes of action

(i) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

18. The Commission on Human Rights, in its resolution 1992/74, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and decided to examine the question of the implementation of the Programme of Action by all States every two years. To that end, the Commission requested the Sub-Commission to submit to it a report on the status of implementation of the Programme of Action. The Sub-Commission, in its resolutions 1992/2, 1994/5 and 1996/12, requested the Secretary-General to invite all States to inform the Sub-Commission of the measures adopted to implement the Programme of Action. Information submitted by States regarding the implementation of the Programme of Action was made available to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/31 and Add.1), at its forty-seventh session (E/CN.4/Sub.2/1995/29 and Add.1) and at its forty-ninth session (E/CN.4/Sub.2/1997/11) and to the Commission at its fiftieth, fifty-second and fifty-fourth sessions.

19. In its resolution 1998/19, the Sub-Commission requested the Secretary-General to invite all States to inform the Working Group on Contemporary Forms of Slavery of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to report thereon to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifty-first session and to the Commission on Human Rights at its fifty-sixth session. At its present session, the Working Group will have before it the report of the Secretary-General containing information regarding the status of implementation of the Programme of Action (E/CN.4/Sub.2/1999/14).

(ii) Programme of Action for the Elimination of the Exploitation of Child Labour

20. The Commission on Human Rights adopted the Programme of Action for the Elimination of the Exploitation of Child Labour in the annex to its resolution 1993/79 and recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels. Furthermore, the Commission requested the Sub-Commission to submit every two years a progress report on the implementation of the Programme of Action by all States.

21. In its resolutions 1993/5, 1995/16 and 1997/22, the Sub-Commission requested the Secretary-General to report to the Sub-Commission at its forty-sixth, forty-eighth and fiftieth sessions and to the Commission at its fifty-first, fifty-third and fifty-fifth sessions on the implementation by States of the Programme of Action. The reports of the Secretary-General containing information regarding the status of implementation of the Programme of Action (E/CN.4/Sub.2/1994/34, E/CN.4/Sub.2/1996/25 and E/CN.4/Sub.2/1998/12) were submitted to the Sub-Commission and the Commission.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption as a promoting factor of contemporary forms of slavery

22. All information received by the Secretary-General relating to the various questions to be considered under item 5 of the provisional agenda will be available in document E/CN.4/Sub.2/AC.2/1999/5.

23. At its twenty-second session, the Working Group decided to review its agenda and to categorize the types of exploitation. It also decided to pay particular attention, when considering the items on its provisional agenda, to the question of corruption as a factor encouraging exploitation. In that regard, in its resolution 1998/19, the Sub-Commission urged States to examine and analyse the causes and the consequences of corruption and to take steps to eradicate the root causes.

(a) Economic exploitation

(i) Domestic and migrant workers

24. The Commission on Human Rights, in its resolutions 1989/35, 1990/63, 1991/58, 1992/47, 1993/27, 1994/25, 1995/27, 1996/61, 1997/20 and 1999/46, invited all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups such as children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve those objectives. The Commission also requested Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that end.

25. Reference is made to General Assembly resolutions 49/175 and 53/137 and Commission on Human Rights resolutions 1995/21 and 1999/45, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families". In its resolutions 1994/5, 1995/16, 1996/12, 1997/22 and 1998/10, the Sub-Commission urged States to ratify the Convention, which was adopted by the General Assembly in its resolution 45/148. In its resolution 1998/10, the Sub-Commission considered that the misuse of information technology, particularly as directed towards the incitement of racism and racial violence, should be monitored and appealed to the Governments concerned to establish appropriate legal and other forums and institutions to address the problems of migrants and to provide access to them for migrant workers.

26. Reference is also made to General Assembly resolutions 49/165, 50/168, 51/65 and 52/97, entitled "Violence against women migrant workers", in which the Assembly encouraged Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926.

(ii) Bonded labour

27. Sub-Commission resolutions relevant to bonded labour are 6 B (XXXI) of 13 September 1978; 8 (XXXIII) of 10 September 1980; 1982/15; 1985/25; 1988/31 and 1990/30.

28. In its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update the study of Mr. A. Bouhdiba on the exploitation of child labour (E/CN.4/Sub.2/479) and to extend that study to the problem of debt bondage. The Sub-Commission, in its resolution 1993/5, decided to appoint Mrs. H.E. Warzazi as Special Rapporteur for that purpose. Moreover, the Sub-Commission decided to keep the question of debt bondage under consideration to assess the progress achieved, with a view to the elimination of that intolerable practice.

29. For further action taken on this subject by the Sub-Commission and by the Commission on Human Rights, see the following section on child labour.

(iii) Child labour

30. In its resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission decided to review the question of the exploitation of child labour annually. Upon the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 17 (XXXVI) of 29 February 1980, recommended to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Abdelwahab Bouhdiba as Special Rapporteur with the preparation of a report on the exploitation of child labour. The Council endorsed that recommendation in its decision 1980/125.

31. The Sub-Commission, in its resolutions 1990/30, 1991/34 and 1992/2, requested the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Bouhdiba's study on the exploitation of child labour (United Nations publication, Sales No. E.82.XIV.2) and to extend that study to the problem of debt bondage.

32. The Economic and Social Council, in its resolution 1993/48, endorsed decision 1993/112 of the Commission authorizing the Sub-Commission to consider the possibility of appointing a special rapporteur to update the study.

33. The Sub-Commission, in its resolution 1993/5, taking into account the above-mentioned decision of the Commission, decided to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the study. In its decision 1994/103, the Commission requested the Sub-Commission to reconsider its decisions to recommend new studies and related efforts, including the appointment of a special rapporteur on child labour.

34. The Sub-Commission, in its resolution 1994/5, recommended that the Commission on Human Rights at its fifty-first session endorse the appointment of Mrs. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage. In its resolution 1995/27, the Commission on Human Rights

requested the Sub-Commission to give further consideration to the proposed appointment and to make the appointment subject to the submission of a preparatory document.

35. In its resolution 1996/12, the Sub-Commission decided to study further the possible appointment of a special rapporteur on the exploitation of child labour and debt bondage, having due regard to the importance of a study on child labour.

36. The Commission, in its resolutions 1997/20 and 1999/80, and the Sub-Commission, in its resolution 1997/22, called upon States that had not yet done so to consider ratifying the pertinent international instruments, including the Forced Labour Convention, 1930 (No. 29) and the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization.

37. The Sub-Commission, in its resolution 1998/19, drew the attention of the international community to the gender aspect of child labour. In that regard, the Sub-Commission called upon States to eliminate all discrimination against girls in education, skills development and training and invited the international community to cooperate in developing viable alternatives to child labour, in particular for young girls.

38. In the same resolution, the Sub-Commission urged States to enact specific legislation to define the offence of debt bondage and to provide for the punishment of those responsible and for the rehabilitation of the victims. It also urged States to support rehabilitation of the victims of debt bondage through economic, social and educational programmes.

(iv) Forced labour

39. At each of its sessions, the Working Group has reaffirmed that forced labour is a contemporary form of slavery, expressed its concern at allegations that this practice has not yet been eliminated, and decided to continue to give consideration to this item at its next session.

(b) Sexual exploitation

40. In its resolution 1998/19, the Sub-Commission recommended that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws to prevent the misuse of the Internet for trafficking, prostitution and the sexual exploitation of women and children.

(i) Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography

41. Upon the recommendation of the Sub-Commission (resolution 1989/42), the Commission on Human Rights, in its resolution 1990/68, decided to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Commission requested the Special Rapporteur to submit a comprehensive report to the

Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations.

42. In its resolution 1991/53, the Commission on Human Rights welcomed the preliminary assessment by the Special Rapporteur of his tasks as contained in his report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/51).

43. In its resolution 1991/54, the Commission requested the Special Rapporteur, on the basis of his experience, to consider the possibility of submitting his comments and suggestions to the Working Group on Contemporary Forms of Slavery, if possible by attending its meetings. The Sub-Commission, in its resolution 1991/34, requested the Special Rapporteur to pay increased attention to aspects relating to trafficking in children, especially trafficking with a view to organ transplantation, disappearances, the purchase and sale of children, child prostitution and participation by children in armed conflicts. This request was repeated in Sub-Commission resolution 1992/2. The Sub-Commission decided to transmit to the Special Rapporteur the information supplied to the Working Group on the above-mentioned subjects.

44. In its resolutions 1992/76, 1993/82 and 1994/92, the Commission on Human Rights welcomed the reports of the Special Rapporteur on the sale of children (E/CN.4/1992/55 and Add.1, E/CN.4/1993/67 and Add.1 and E/CN.4/1994/84 and Add.1) and endorsed his conclusions and recommendations concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography.

45. In its resolution 48/156, the General Assembly expressed its support for the work of the Special Rapporteur of examining all over the world the question of the sale of children, child prostitution and child pornography and invited him to continue providing attention to the economic, social, legal and cultural factors affecting those phenomena. The Assembly requested the Special Rapporteur to submit to it a provisional report at its forty-ninth session. In accordance with that request, the Special Rapporteur submitted his provisional report (A/49/478).

46. In its resolution 49/210, the General Assembly welcomed the provisional report and requested the Special Rapporteur to submit another provisional report at its fiftieth session.

47. In its resolution 1995/79, the Commission on Human Rights, having considered the report of the Special Rapporteur submitted to the General Assembly at its forty-ninth session, decided to renew the mandate of the newly appointed Special Rapporteur (Mrs. Ofelia Calceñas-Santos, Philippines) for a further three years and invited her, *inter alia*, to cooperate closely with the Working Group on Contemporary Forms of Slavery.

48. In its resolution 50/153, the General Assembly welcomed the provisional report submitted by the Special Rapporteur (A/50/456). In its resolution 1996/85, the Commission on Human Rights welcomed the report

submitted by the Special Rapporteur (E/CN.4/1996/100) and requested her to submit an interim report to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session.

49. In its resolution 51/77, the General Assembly welcomed the report submitted by the Special Rapporteur as a follow-up to the World Congress Against Commercial Sexual Exploitation of Children (A/51/456).

50. In its resolution 1997/78, the Commission welcomed the report submitted by the Special Rapporteur (E/CN.4/1997/95). The Special Rapporteur undertook two visits, the first to the Czech Republic from 20 to 25 May 1996 and the second to the United States of America from 9 to 20 December 1996. The mission reports are contained in documents E/CN.4/1997/95/Add.1 and E/CN.4/1997/95/Add.2, respectively. The Commission also requested her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session.

51. In its resolution 52/101, the General Assembly welcomed the interim report submitted by the Special Rapporteur (A/52/482) and requested her to submit an interim report to the Assembly at its fifty-third session. In its resolution 1998/76, the Commission welcomed the report of the Special Rapporteur (E/CN.4/1998/101 and Add.1-2) and decided to renew her mandate for a further period of three years. The Special Rapporteur undertook two country visits, to Kenya and Mexico. The Commission also requested her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission at its fifty-fifth session.

52. In its resolution 53/128, the General Assembly welcomed the interim report of the Special Rapporteur (A/53/311, annex), which this year focused on the issues of sale and trafficking of children, for all purposes of commercial sexual exploitation or otherwise.

53. In its resolution 1999/80, the Commission on Human Rights welcomed the report of the Special Rapporteur (E/CN.4/1999/71). The Special Rapporteur undertook a country visit to Belgium, on the same occasion travelling to Amsterdam for two days. The report on the visit will be available at the fifty-sixth session of the Commission. The Commission also requested her to submit an interim report to the General Assembly at its fifty-fourth session and a report to the Commission on Human Rights at its fifty-sixth session.

6. Other forms of exploitation

(a) Illegal activities of certain religious and other sects

54. At its twenty-second session, the Working Group decided to include this item on the provisional agenda for its twenty-third session. At its twenty-third session, the Working Group decided to continue to give consideration to this item at its next session.

(b) Incest and sexual abuse of children

55. At its twenty-second session, the Working Group decided to biennialize the consideration of this item. It also decided to consider ways to combat

incest and sexual abuse of children inside the family and emphasized the urgent need for adequate help to be offered to victims of such practices. The Working Group urged Governments to make confidential facilities available for children to make disclosures of the situation and to obtain advice; it also urged Member States to take adequate steps to punish suitably the perpetrators of that most heinous offence. As the Working Group did not consider this item at its twenty-third session, it has included it in the provisional agenda of its twenty-fourth session.

(c) Illegal and pseudo-legal adoptions aimed at the exploitation of children

56. At its twentieth session, the Working Group decided to include this item in the provisional agenda for its twenty-first session. At its twenty-first, twenty-second and twenty-third sessions, the Working Group decided to continue to give consideration to this issue at its next session.

57. In its resolutions 1996/12 and 1997/22, the Sub-Commission urged States to take adequate steps to regulate and monitor intercountry adoptions better, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

(d) Traffic in human organs and tissues

58. In its resolution 1987/32, the Sub-Commission drew the attention of the Commission on Human Rights to the recommendation of the Working Group on Contemporary Forms of Slavery that the report of the Secretary-General on the sale of children (E/CN.4/Sub.2/1987/28) be given a deeper and broader accent, including matters relating to organ transplant and the foetus trade.

59. These matters were briefly referred to in two further reports on the sale of children prepared by the Secretary-General (E/CN.4/1988/30, paras. 31 and 34; E/CN.4/Sub.2/1989/38, paras. 30, 31 and 34). More substantial study of the issue was undertaken by the Special Rapporteur of the Commission on Human Rights, Mr. V. Muntarbhorn, in his reports on the sale of children (E/CN.4/1991/51, paras. 23-25; E/CN.4/1992/55, paras. 102-108 and 311; E/CN.4/1992/55/Add.1, paras. 28, 29 and 44 (b); E/CN.4/1993/67, paras. 100-127; E/CN.4/1994/84 and Add.1, paras. 100-113 and paras. 44-46 and A/49/478, paras. 84-98). The issue was also referred to by the Special Rapporteur on the sale of children, child prostitution and child pornography, Mrs. Ofelia Calcetas-Santos, in reports she submitted to the General Assembly (A/50/456, paras. 49-50) and to the Commission on Human Rights (E/CN.4/1996/100, paras. 41-48).

60. The Sub-Commission, at its forty-fourth session, requested the Secretary-General, in its resolution 1992/2, to invite all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, and all relevant non-governmental organizations, in particular the International Criminal Police Organization, to pursue their investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract that practice wherever it existed, with a view to presenting a report to the Working Group at its eighteenth session. This

request was repeated in Sub-Commission resolutions 1993/5 and 1994/5 and the Secretary-General submitted reports to the Working Group at its nineteenth and twentieth sessions (E/CN.4/Sub.2/AC.2/1994/3 and E/CN.4/Sub.2/AC.2/1995/6, respectively).

61. The Sub-Commission repeated its request in resolution 1995/16. Consequently, the Secretary-General submitted a report (E/CN.4/Sub.2/AC.2/1996/4) to the Working Group at its twenty-first session.

62. In the same resolution, the Sub-Commission recommended that the Commission designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes.

63. In its resolution 1996/61, the Commission on Human Rights requested the Secretary-General to examine the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes. In accordance with that resolution, a note by the Secretary-General was submitted to the Commission at its fifty-third session (E/CN.4/1997/78).

64. In its resolution 1997/20, the Commission on Human Rights requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include, in an updated report, an analysis of this question, to be submitted at its fifty-fifth session. In its resolution 1997/22, the Sub-Commission welcomed Commission resolution 1997/20.

65. In its resolution 1999/46, the Commission on Human Rights noted that the Secretary-General had not yet received any information about the reliability of allegations regarding the removal of organs and tissues of children and adults and, in order to enable the Commission to examine this question, it again requested the Secretary-General to seek information among relevant specialized agencies, working closely in particular with the Advisory Committee on Health Research of the World Health Organization and the International Criminal Police Organization, and to include an analysis of the information received in an updated report to be submitted to the Commission at its fifty-sixth session.

(e) Activities of the Special Rapporteur on violence against women

66. In its resolution 1994/45, the Commission on Human Rights decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and consequences. Subsequently, Ms. Radhika Coomaraswamy (Sri Lanka) was appointed Special Rapporteur.

67. The Special Rapporteur submitted her preliminary report to the Commission at its fifty-first session (E/CN.4/1995/42). In accordance with Commission resolution 1995/85, she submitted her first report (E/CN.4/1996/53 and Add.2) to the Commission. Ms. Coomaraswamy undertook a visit to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery during wartime (E/CN.4/1996/53/Add.1).

68. In its resolution 1997/44, the Commission welcomed the reports submitted by the Special Rapporteur (E/CN.4/1997/47 and Add.1-4) and decided to renew the mandate for a further three years. The Special Rapporteur undertook three country visits, to Poland, Brazil and South Africa. In its resolution 1998/52, the Commission welcomed the reports submitted by the Special Rapporteur (E/CN.4/1998/54 and Add.1). The Special Rapporteur undertook one country visit, to Rwanda.

69. In its resolution 1999/42, the Commission welcomed the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1999/68 and Add.1-4). The Special Rapporteur undertook country visits to the United States of America, Liechtenstein, Indonesia and East Timor.

(f) Paedophilia

70. At its twenty-second session, the Working Group decided to include this item on the provisional agenda for its twenty-third session. At its twenty-third and twenty-fourth sessions, the Working Group decided to continue consideration of this item.

(g) Miscellaneous

Early marriages

71. At its nineteenth, twentieth and twenty-first sessions, the Working Group took note of information provided on the issue of early marriages. At its twenty-second session, the Working Group decided to biennialize the consideration of this item.

Detained juveniles

72. The Sub-Commission, in its resolution 1991/16, entitled "The application of international standards concerning the human rights of detained juveniles", requested the Secretary-General to explore the feasibility of organizing a meeting of experts under the auspices of the then Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles.

73. The Commission on Human Rights, in its resolution 1993/80, welcomed the proposal by the Secretary-General to organize such a meeting, within the framework of the programme of human rights activities for 1994. The Commission also expressed the wish that the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery and the Working Group on Detention of the Sub-Commission should be represented at the meeting of experts, together with the specialized non-governmental organizations, in particular those of juvenile court judges. The proposal to organize such a meeting was approved by the Economic and Social Council in its decision 1993/280. The expert group meeting on children and juveniles in detention was convened at Vienna from 30 October to 4 November 1994. It submitted a report to the Commission at its fifty-first session (E/CN.4/1995/100). Having considered the report, the Commission, in its

resolution 1995/41, called upon the working groups which already had given special attention to questions relating to the effective protection of human rights in the administration of justice to continue to provide specific recommendations in that regard. The Commission also requested the Secretary-General to submit to it a report on the issue at its fifty-second session.

74. In its resolution 1994/9, entitled "Situation of children deprived of their liberty", the Sub-Commission requested the Secretary-General to submit to it at its forty-seventh session a note on the situation of children deprived of their liberty. In accordance with that request, the Secretary-General submitted to the Sub-Commission at its forty-seventh session a note on the situation of children deprived of their liberty (E/CN.4/Sub.2/1995/30 and Add.1).

75. In its resolution 1996/32, the Commission on Human Rights took note of the report of the Secretary-General (E/CN.4/1996/31 and Add.1) on children and juveniles in detention submitted in accordance with Commission resolution 1995/41. The Commission called upon working groups to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice and to provide specific recommendations in that regard. It also called upon all States to give high priority to the promotion and protection of all rights of the child and juveniles in the administration of justice. The Commission requested the Secretary-General to report to it on the issue at its fifty-third session.

76. In its decision 1997/106, the Commission welcomed the report of the Secretary-General (E/CN.4/1997/26) and requested him to submit an updated report at its fifty-fourth session. The Commission decided to resume, on a biennial basis, consideration of this question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

77. In its resolution 1998/32, the Commission took note of the report of the Secretary-General (E/CN.4/1998/35) and requested him to submit a report to the Commission at its fifty-sixth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular juvenile justice, including on the role of technical assistance in this regard. It also decided to consider this item at its fifty-sixth session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

78. In its resolution 1999/80 (part VIII), the Commission reaffirmed the need to ensure that every child alleged to have or recognized as having infringed the penal law was treated with dignity in accordance with the principles and relevant provisions of the Convention on the Rights of the Child and other relevant international human rights instruments, including the International Covenant on Civil and Political Rights, expressing deep concern, inter alia, about cases of children prosecuted without taking into account their special needs, kept in arbitrary detention, subjected to torture or cruel, inhuman or degrading treatment or punishment or subjected to punishment

contrary to accepted international standards and, in that regard, called upon States to take all the necessary measures to protect children from those practices.

Slavery during wartime

79. In its resolution 1993/24, the Sub-Commission decided to entrust Ms. Linda Chavez as special rapporteur with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict. The Commission on Human Rights, in its decision 1994/103 requested the Sub-Commission to reconsider its decision.

80. The Sub-Commission, in its decision 1994/109, decided to invite Ms. Linda Chavez to submit, without financial implications, a working paper on the issue at its forty-seventh session. In accordance with that request, Ms. Chavez submitted a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime including internal armed conflict (E/CN.4/Sub.2/1995/38).

81. In its decision 1996/107, the Commission on Human Rights, at its fifty-second session, endorsed the decision of the Sub-Commission to appoint Ms. Chavez Special Rapporteur with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.

82. In its resolution 1996/11, the Sub-Commission welcomed the preliminary report submitted by the Special Rapporteur (E/CN.4/Sub.2/1996/26) and requested her to submit her final report to the Sub-Commission at its forty-ninth session in conformity with the plan contained in her working paper (E/CN.4/Sub.2/1995/38).

83. In its decision 1997/114, the Sub-Commission took note of the letter from Ms. Chavez in which she informed the High Commissioner of her resignation as Special Rapporteur and her inability to submit the final report, and decided to entrust Ms. Gay J. McDougall with the task of completing the study for submission to the Sub-Commission at its fiftieth session.

84. In its resolution 1998/18, the Sub-Commission welcoming with great interest the final report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict (E/CN.4/Sub.2/1998/13), requested that the Special Rapporteur's mandate be extended for another year and that Ms. McDougall, as Special Rapporteur, submit an update on recent developments with respect to her mandate to the Sub-Commission at its fifty-first session under the agenda item entitled "Contemporary forms of slavery". In its decision 1999/105, the Commission approved the decision of the Sub-Commission to extend the mandate of the Special Rapporteur for a further year.

Draft optional protocol on the sale of children, child prostitution and child pornography

85. The General Assembly, in its resolution 48/156, requested the Commission on Human Rights to consider, at its fiftieth session, the creation of a working group to study, as a matter of priority, the elaboration of guidelines, in close contact with the Special Rapporteur, for a possible draft optional protocol on the issues related to the sale of children, child prostitution and child pornography, as well as the basic measures required for preventing and eradicating those serious problems. Following this request, the Commission on Human Rights, in its resolution 1994/90, decided to set up an open-ended inter-sessional working group, which would meet for two weeks prior to the fifty-first session of the Commission, and to include that issue as a specific sub-item of the agenda item "Rights of the Child", entitled "Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication". In its resolution 1994/9, the Economic and Social Council authorized the establishment of the working group.

86. In accordance with Commission resolutions 1994/90, 1995/78, 1996/85, 1997/78 and 1998/76, the working group held five sessions: from 14 to 25 November 1994, from 29 January to 9 February 1996, from 3 to 14 February 1997, from 19 to 30 January 1998 and from 25 January to 5 February 1999. The working group submitted reports on each session to the Commission (E/CN.4/1995/95; E/CN.4/1996/101; E/CN.4/1997/97; E/CN.4/1998/103; E/CN.4/1999/74).

87. The Commission, in its resolution 1999/80, invited the Chairperson of the working group to conduct broad informal consultations, with the aim of promoting an early agreement on the optional protocol, and, if possible, to produce a report thereon by the end of 1999, including recommendations on how to finalize the formal negotiations. It also requested the working group to meet early in 2000 in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session.

Sex tourism

88. In its resolution 1992/2, the Sub-Commission requested the Secretary-General to convey to the World Tourism Organization the grave concern of the Working Group on Contemporary Forms of Slavery with regard to sex tourism, together with a request that it convene, as a matter of priority, a meeting to discuss the consequences of sex tourism and ways of preventing that phenomenon, in particular when the prostitution of children was involved.

89. In its resolution 1993/5, the Sub-Commission requested the Secretary-General to convey to the World Tourism Organization the Working Group's grave concern at the information received during its eighteenth session with regard to the persistence and the development of sex tourism.

90. In its resolution 1994/5, the Sub-Commission requested the Secretary-General to appeal to the World Tourism Organization to inscribe on the agenda for its next conference an item on sex tourism and its development. In its resolutions 1995/16, 1996/12 and 1997/22, the Sub-Commission recommended that Governments prohibit the advertising or publicizing of sex tourism and that they not facilitate other commercial activities involving sexual exploitation. In resolution 1995/16, it also welcomed the convening of the World Congress Against Commercial Sexual Exploitation of Children in 1996.

91. In its resolution 1998/19, the Sub-Commission recommended that Governments investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape.

Child soldiers

92. In its resolutions 1989/41, 1990/30 and 1991/34, the Sub-Commission expressed its deep concern at the fact that in many regions of the world children were still taking part in hostilities and were being recruited into the armed forces, and that certain Governments and non-governmental entities encouraged and sometimes compelled children to take part in military training and participate in hostilities.

93. At its forty-second session, the Sub-Commission had before it the report on the recruitment of children into government and non-governmental armed forces (E/CN.4/Sub.2/1990/43 and Add.1 and 2) submitted by the Secretary-General in accordance with the request contained in Sub-Commission resolution 1989/41.

94. The Sub-Commission, in its resolution 1991/34, requested the Secretary-General to update his report on the recruitment of children into government and non-governmental armed forces on the basis of the information provided by Governments, the specialized agencies and intergovernmental and non-governmental organizations concerned and to submit it to the Sub-Commission at its forty-fourth session.

95. In its resolution 1992/2 the Sub-Commission, at its forty-fourth session, having examined the report of the Secretary-General (E/CN.4/Sub.2/1992/35 and Add.1), requested the Working Group to continue to give attention to that question at its eighteenth session. This request was repeated in resolution 1993/5 of the Sub-Commission.

96. The General Assembly, in its resolution 48/157, expressed its concern about the situation of the traffic of children in many parts of the world as a result of armed conflicts and urged all Member States to continue seeking comprehensive improvement of that situation, taking appropriate and concrete measures to alleviate it. The Assembly also requested bodies and organizations of the United Nations, as well as intergovernmental and non-governmental organizations, within the scope of their respective mandates, to cooperate in order to ensure more effective action in addressing the problem of the children affected by armed conflicts. Pursuant to the request contained in the same resolution, the Secretary-General submitted a

report to the General Assembly at its forty-ninth session on concrete measures taken to alleviate the situation of children in armed conflicts (A/49/411).

97. In the same resolution, the General Assembly requested the Secretary-General to appoint an expert, working in collaboration with the Centre for Human Rights and the United Nations Children's Fund, to undertake a comprehensive study on the protection of children directly or indirectly participating in armed conflicts, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means to prevent children from being affected by armed conflicts, to improve and to ensure their protection, including against the indiscriminate use of all weapons of war, especially anti-personnel mines, and to promote their physical and psychological recovery and social reintegration, in particular measures to ensure proper medical care and adequate nutrition, taking into account the recommendations of the World Conference on Human Rights (A/CONF.157/23, part II, para. 50) and the Committee on the Rights of the Child (CRC/C/16). Following this request, the Secretary-General decided to appoint as an expert on that issue Ms. Graça Machel (Mozambique). The General Assembly further requested Member States, United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the above-mentioned study. At the request of the Assembly, the Secretary-General submitted a progress report on the study at its forty-ninth session (A/49/643).

98. In its resolution 50/153, the General Assembly took note of the report of the Secretary-General on concrete measures taken to alleviate the situation of children in armed conflicts (A/50/672). It also expressed its support for the work of the expert designated to undertake a study on the situation of children affected by armed conflict.

99. In its resolution 51/77, the General Assembly welcomed the final report submitted by Ms. Machel on the impact of armed conflicts on children (A/51/306 and Add.1) and recommended that the Secretary-General appoint for a period of three years a special representative on the impact of armed conflicts on children.

100. In its resolution 52/107, the General Assembly welcomed the appointment of Mr. Olara Otunnu as the Special Representative of the Secretary-General for children in armed conflict.

101. In its resolution 53/128, the General Assembly welcomed the report of the Special Representative of the Secretary-General for children and armed conflict (A/53/482).

102. In its resolution 1999/80, the Commission welcomed the report of the Special Representative of the Secretary-General for children and armed conflict to the General Assembly (A/53/482, annex; E/CN.4/1999/72) and his oral report to the Commission at its fifty-fifth session, while noting that he had not presented an updated written report as requested by the General Assembly in its resolution 51/77, and expressed its support for his

work for children affected by armed conflict, in particular to raise worldwide awareness and to mobilize official and public opinion for the protection of children affected by armed conflict, including through field visits, in order to promote respect for children's rights and needs in conflict and post-conflict situations.

103. The Commission, in its resolution 1994/91, recommended that the Economic and Social Council authorize an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. The working group used as a basis for discussion the preliminary draft optional protocol on the involvement of children in armed conflicts prepared by the Committee on the Rights of the Child (E/CN.4/1994/91).

104. The working group held its first, second, third, fourth and fifth sessions from 31 October to 11 November 1994, from 15 to 26 January 1996, from 20 to 31 January 1997, from 2 to 13 February 1998 and on 11 January 1999. It submitted its reports to the Commission on Human Rights at its fifty-first, fifty-second, fifty-third, fifty-fourth and fifty-fifth sessions (E/CN.4/1995/96, E/CN.4/1996/102, E/CN.4/1997/96, E/CN.4/1998/102 and E/CN.4/1999/73).

105. In its resolution 1999/80, the Commission decided to invite the Chairperson of the working group to continue broad informal consultations, with the aim of promoting an early agreement on the optional protocol, and, if possible, to produce a report thereon by the end of 1999, including recommendations on how to finalize the formal negotiations. It also requested the working group to meet early in 2000 in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session.

Organization of work

106. In its resolution 1991/34, the Sub-Commission requested the Secretary-General to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the month of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and the burden that placed on the Secretariat, and in view of the impossibility of representatives of Governments and non-governmental organizations attending simultaneous sessions. This request was approved by the Commission on Human Rights in its decision 1992/115.

107. The Economic and Social Council, in its resolution 1993/48, approved the endorsement by the Commission on Human Rights in resolution 1993/27 of the recommendation made by the Sub-Commission, in its resolution 1992/2, that the arrangements regarding the organization of the session of the Working Group, as contained in Commission decision 1992/115, be repeated in subsequent years.

7. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

108. In its resolution 46/122 of 17 December 1991, the General Assembly decided to establish the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. The purposes of the Fund are, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery.

109. The Fund is administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of the Board of Trustees, composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who serve in their personal capacity. The members of the Board of Trustees are appointed by the Secretary-General for a three-year renewable term, in consultation with the current Chairperson of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution.

110. In its resolution 46/122, the General Assembly appealed to all Governments to respond favourably to requests for contributions to the Fund. A similar appeal was made by the Commission on Human Rights in its resolutions 1992/46, 1994/24, 1995/27, 1996/61 and 1997/20 and by the Sub-Commission in its resolutions 1992/2, 1993/5, 1994/6, 1995/15, 1996/18, 1997/21 and 1998/20.

111. The Commission, in its resolutions 1992/46, 1993/26, 1994/24, 1995/27, 1996/61, 1997/20 and 1999/46, requested the Secretary-General to transmit to all Governments the appeal of the Commission for contributions to the Fund and to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known.

112. In accordance with General Assembly resolution 46/122, after consultation with the Chairperson of the forty-third session of the Sub-Commission, the Secretary-General decided to appoint the following five members to the Board of Trustees of the Fund for the three-year term of office expiring on 31 December 1995: Mr. Swami Agnivesh (Asia), Mr. Michel Bonnet (Western Europe), Mr. Cheikh Saad-Bouh Kamara (Africa), Mrs. Tatiana Matveeva (Eastern Europe) and Ms. Eugenia Zamora Chavarria (Latin America).

113. The first session of the Board of Trustees of the Fund was held at the United Nations Office at Geneva from 22 to 26 March 1993. After having been postponed twice, the second session of the Board of Trustees was held from 28 August to 1 September 1995 at the United Nations Office at Geneva. The reports of the first and second sessions are contained in documents E/CN.4/1996/85 and E/CN.4/1996/86, respectively.

114. The mandate of the members of the Board expired on 31 December 1995. In August 1996, after consultations with the Chairman of the forty-seventh session of the Sub-Commission, the Secretary-General appointed Mr. José de Souza Martins (Brazil) and Ms. Lesley Roberts (United Kingdom) to replace Ms. Eugenia Zamora Chavarria (Uruguay) and Mr. Michel Bonnet (France) upon their resignation and extended the mandates of Mr. Swami Agnivesh (India), Mr. Cheikh Saad-Bouh Kamara (Mauritania) and Ms. Tatiana Matveeva (Russian Federation). The Board of Trustees was therefore composed, for a three-year term (until 31 December 1998), of Mr. Agnivesh, Mr. Cheikh Saad-Bouh Kamara, Mr. Martins, Ms. Matveeva and Ms. Roberts.

115. The five members whose mandates have been renewed or who have been appointed by the Secretary-General, in consultation with the Chairman of the fiftieth session of the Sub-Commission (from 1 January 1999 to 31 December 2001) are: Mr. Swami Agnivesh (India), Mr. Cheikh Saad-Bouh Kamara (Mauritania), Mr. José de Souza Martins (Brazil), Ms. Tatiana Matveeva (Russian Federation) and Mr. Theo van Boven (Netherlands) (in replacement of Ms. Lesley Roberts (United Kingdom)).

116. The Board of Trustees held its third session from 17 to 19 March 1997. During the session, the Board examined 12 applications for assistance to representatives of non-governmental organizations for their participation in the twenty-second session of the Working Group on Contemporary Forms of Slavery and 12 requests for financial assistance for projects submitted by non-governmental organizations for the benefit of victims of contemporary forms of slavery. The members of the Board made recommendations for six travel grants and three project grants. At its twenty-second session, the Working Group heard the testimonies of six persons on behalf of five NGOs. The sixth NGO recommended by the Board of Trustees could not attend the twenty-second session and therefore attended the twenty-third session of the Working Group. The representative of this NGO (Maiti-Nepal), Anita Khadar, was awarded a prize for the defence of human rights by the Administrative Council of the City of Geneva on 12 December 1998. The report of the third session of the Board is contained in document E/CN.4/Sub.2/AC.2/1997/4.

117. Owing to the lack of funds, the Board of Trustees could not hold its fourth session scheduled for 16 to 18 March 1998.

118. The Board of Trustees held its fourth session from 24 to 26 March 1999. During the session, the Board examined 41 applications for assistance to representatives of non-governmental organizations for their participation in the twenty-fourth session of the Working Group on Contemporary Forms of Slavery, amounting to US\$ 127,547, and 24 requests for financial assistance for projects submitted by non-governmental organizations for the benefit of victims of contemporary forms of slavery, amounting to US\$ 777,374. The members of the Board made recommendations for 10 travel grants, amounting US\$ 13,505, and five project grants, amounting to US\$ 27,000. The recommendations have been approved by the High Commissioner for Human Rights on behalf of the Secretary-General. The report of the fourth session of the Board is contained in document E/CN.4/Sub.2/AC.2/1999/4.

119. At its present session, the Working Group will hear the testimony of the 10 NGO representatives selected at the fourth session of the Board and of two other NGO representatives selected at the third session of the Board (1997) but put on a contingency list pending the receipt of funds.

8. Adoption of the report of the Working Group to the
Sub-Commission on Prevention of Discrimination and
Protection of Minorities

120. Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session.



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Working Group on Contemporary
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Twenty-fourth session
23 June-2 July 1999
Item 4 (a) of the provisional agenda

REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO
THE CONVENTIONS ON SLAVERY

STATUS OF THE CONVENTIONS

Note by the Secretary-General

1. As at 28 April 1999, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery had been ratified or acceded to by the following 117 States: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Central African Republic, Chile, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Philippines, Poland,

Portugal, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia, Zambia.

2. The Supplementary Convention had been signed by El Salvador, Liberia and Peru.



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REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP
TO THE CONVENTIONS ON SLAVERY

STATUS OF THE CONVENTIONS

Note by the Secretary-General

1. At 28 April 1999, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others had been ratified or acceded to by the following 72 States: Afghanistan, Albania, Algeria, Argentina, Azerbaijan, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Congo, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Guinea, Haiti, Honduras, Hungary, India, Iraq, Israel, Italy, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Luxembourg, Malawi, Mali, Mauritania, Mexico, Morocco, Niger, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Ukraine, Venezuela, Yemen, Yugoslavia, Zimbabwe.

2. The Convention had been signed by Denmark, Iran (Islamic Republic of), Liberia and Myanmar.



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Item 7 of the provisional agenda

ACTIVITIES OF THE UNITED NATIONS VOLUNTARY TRUST FUND
ON CONTEMPORARY FORMS OF SLAVERY

Note by the Secretariat

The present note contains the recommendations adopted by the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery at its fourth session, held in Geneva from 24 to 26 March 1999. These recommendations were approved by the High Commissioner for Human Rights on behalf of the Secretary-General on 19 April 1999.

RECOMMENDATIONS ADOPTED BY THE BOARD OF TRUSTEES OF THE
UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY
FORMS OF SLAVERY AT ITS FOURTH SESSION

(Geneva, 24-26 March 1999)

1. At its fourth session, held in Geneva from 24 to 26 March 1999, the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery examined, during six meetings, information prepared by the Office of the High Commissioner for Human Rights (OHCHR) concerning applications for new grants, the financial situation of the Fund, contributions paid by governments, NGOs and individuals and implementation by the Board and the secretariat of the Fund of the recommendations adopted in 1997 and approved by the Secretariat. The Board also met with several donors and interested NGOs.

Organization of the Board's sessions

2. In conformity with General Assembly resolution 46/122 of 17 December 1991, providing for a three-year renewable term, upon recommendation of the High Commissioner for Human Rights and in consultation with the current Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. El Hadji Guissé, the Secretary-General decided to extend from 1 January 1999 to 31 December 2001 the mandate of four members of the Board, Swami Agnivesh (India), Mr. Cheikh Saad Bouh Kamara (Mauritania), Ms. Tatiana Matveeva (Russian Federation) and Mr. José de Souza Martins (Brazil), and to appoint a new member, Mr. Theo van Boven (Netherlands). All the members attended the session. Swami Agnivesh was elected Chairman for the term.

3. The Board had not been able to meet since March 1997 (see the note by the secretariat on the third session (E/CN.4/Sub.2/AC.2/1997/4)), but the members continued to implement their mandate, including by raising funds and attending the session of the Working Group on Contemporary Forms of Slavery at their own expense. As a principle, provided that enough money is available, the Board recommended that it should meet every year, if possible at the end of February, in order to be able to review the implementation of its previous recommendations on grants, adopt new recommendations on applications received and meet with donors. The Chairman or a member of the Board should be given an opportunity by the Bureau to deliver a brief speech to the Commission on Human Rights under the relevant agenda item in order to inform the Commission on its work, the financial situation of the Fund and to present the relevant note by the secretariat concerning the Fund. Considering the important increase in the number of applications received, the Board recommended that the next session should last four days, instead of three days as in 1999.

4. At the first meeting of each annual session, the secretariat of the Fund should continue to provide the Board with the figures available at OHCHR on the amount of money available for grants, contributions received and pledges made, as well as on the previous grants disbursed and the amount in United States dollars of new requests for grants received.

Recommendations for grants

5. Before the deadline of 15 January 1999, the Secretariat received 41 requests for travel grants amounting to US\$ 127,547 and 24 requests for project grants amounting to US\$ 777,374.

6. The project and travel grants recommended, in accordance with General Assembly resolution 46/122, will assist non-governmental organizations in a dozen countries in Africa, America, Asia and Europe. In accordance with the mandate of the Fund, the Board's recommendations focus on assisting representatives of NGOs from various regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery, as well as on extending, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery.

7. The Board recommended that US\$ 13,505 be spent for travel grants (see annex I) and US\$ 27,000 for project grants (see annex II) for a total of US\$ 40,505, to be disbursed before its fifth session, scheduled to be held in February 2000. All travel grants have to be released before the next session of the Working Group on Contemporary Forms of Slavery, to be held from 23 June to 2 July 1999.

Fund-raising

8. The Board is grateful to the High Commissioner for Human Rights, Mrs. Mary Robinson, for having sent letters to all States appealing for contributions to the Fund and would appreciate it very much if the High Commissioner could make another appeal in October 1999 in order to obtain a sufficient amount of money to enable it to fulfil its mandate in the year 2000. Taking into consideration that requests received in 1999 amounted to about US\$ 900,000 (see paragraph 5 above), in the Board's view, in order to meet at least one third of requests expected to be received in the year 2000, the Fund would need an additional US\$ 300,000.

9. The Board met with interested donors on 25 March 1999. The Board mandated its Chairman to present the financial situation of the Fund under the relevant agenda item of the Commission on Human Rights, as had been the case in 1997. The Bureau of the Commission invited the Chairman to deliver a statement. However, neither the Chairman nor another member of the Board were able to stay in Geneva until the Commission started considering the relevant agenda item.

10. The Board recommended various measures to raise funds, including establishing contacts with interested Governments and that Board members take similar initiatives to those taken by Mr. de Souza Martins to encourage contributions by an increased number of individuals, including students and other young people.

11. The Board would appreciate it if the Secretariat could envisage authorizing the cheapest mode of travel (for instance at excursion fare) for the members of the Board, in order to save the Fund's money.

Cooperation with the Working Group

12. OHCHR should invite, preferably in March each year, two months before the session of the Working Group, all Board members in a position to do so to participate at the twenty-fourth session of the Working Group on Contemporary Forms of Slavery, in accordance with operative paragraph 8 of Sub-Commission resolution 1998/20.

13. OHCHR should continue to inform the Board about priority areas that the Working Group will identify, so that the Board can take them into account in considering applications for travel grants.

14. The Board expressed concern that the proposal that the Working Group should be discontinued, made by the Bureau of the Commission on Human Rights contained in document E/CN.4/1999/104, would affect the mandate of the Fund and the Board established in General Assembly resolution 46/122.

Recommendations of the Board during the inter-sessional period

15. Relevant information which would allow recommendations to be made during the inter-sessional period will be sent to the Chairman of the Board.

16. The Board encouraged the collaboration between the secretariat of the Fund and United Nations agencies such as UNHCR and UNDP, particularly in the field. The secretariat of the Fund should benefit from the effective cooperation of OHCHR and other United Nations offices in the field in matters relating to the transfer of grants, confidential transmission of information from and to project leaders and control of the use of grants disbursed.

ANNEX I

Recommendations on travel grants

UN Voluntary Trust Fund on Contemporary Forms of Slavery Board of Trustees Fourth Session, 24-26 March 1999					
RECOMMENDATIONS BY THE BOARD ON TRAVEL GRANTS TO ATTEND THE TWENTY-FOURTH SESSION OF THE WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY					
APPLI. NO.	ORGANIZATION	NAME OF REP.	AMOUNT RECOMMENDED AIR TICKET/ PER DIEM (5 DAYS)	REMARKS	ASPECTS OF CONTEMP. FORMS OF SLAVERY
No. 1	International Bureau for Children's rights	Ms. Josianne Gauthier	US\$ 800/US\$ 525 = 1,325	Canadian NGO	Sexual exploitation of children, incest and sexual abuse of children, pedophilia, slavery-like practices in armed conflicts
No. 7	Project Mala	Mr. Rangpal David	US\$ 800/US\$ 525 = 1,325	Indian NGO via an NGO in the United Kingdom	Working children in the carpet industry, relationship between work done in India and the perception of the West. Mr. Narayan will bring his testimony/ experience to the WG
No. 8		Mr. Satya Narayan	US\$ 800/US\$ 525 = 1,325		
No. 10	Tomorrow's Children NGO	Mr. Hector D. Gnonlonfin	US\$ 1,135/US\$ 525 = 1,660	Benin NGO	Trafficking in children from Benin to Gabon
No. 11	International Movement Against all forms of Discrimination and Racism (IMADR) Asia Committee	Ms. Nimalka Fernando	US\$ 1,400/US\$ 525 = 1,925	Sri Lankan NGO	Trafficking in women and children for the purpose of sexual exploitation in South Asia

No. 15	Casa Alianza Internacional	Mr. Bruce Harris	US\$ 1,280/US\$ 525 = 1,805	Costa Rican NGO	Trafficking in persons, organ trafficking, sale of children and child labour
No. 24	Mouvement pour l'abolition de la prostitution et de la pornographie (MAPP)	Ms. Elena Kabashnaya	US\$ 700/US\$ 525 = 1,225	Ukrainian representative of a French NGO	New forms of slavery, ways to get over difficulties, social aid to the victims of slavery
No. 25	Journalistes pour les droits des enfants et des femmes et l'environnement	Ms. Natacha Dokovska	US\$ 550/US\$ 525 = 1,075	An NGO in the former Yugoslav Republic of Macedonia	Sexual exploitation of women
No. 28	Network North against Prostitution and Violence	Ms. Trude Haaland	US\$ 800/US\$ 525 = 1,325	Norwegian NGO	Prostitution and trafficking in the Barents region. Situation in different countries and work done
No. 29	Comité contre l'esclavage moderne (CEEM)	Ms. Dominique Torres	US\$ 200/US\$ 315 = 515	French NGO	The plight of migrant domestic workers and children in forced domestic labour in France
10 grants			TOTAL 13,505		

ANNEX II

Recommendations on project grants

- Project grant No. 4 of US\$ 7,000 for Project Mala, an Indian NGO, via an NGO in the United Kingdom to be released promptly; should be used for direct assistance to children victims of exploitation in the carpet industry in India. Not for travel.
- Project grant No. 14 of US\$ 5,000 for Terre des Hommes, a Haitian NGO via an NGO in Switzerland; reintegration of "restaveks" (child domestic workers) to their families; grant to be released promptly.
- Project grant No. 21 of US\$ 5,000 for the Association nationale des éducateurs sociaux "Anes-Congo" in the Democratic Republic of Congo; for judicial assistance and economic reinsertion of sexually and economically exploited children: to be paid in two instalments of US\$ 2,500 each upon receipt of satisfactory narrative and financial reports on the use of the first instalment.
- Project grant No. 22 of US\$ 5,000 for WAO-Afrique/Togo, a Togolese NGO; rehabilitation of child domestic workers: in two instalments of US\$ 2,500 each, the second to be released upon receipt of satisfactory narrative and financial reports on the use of the first one. The field presence of OHCHR or another United Nations organization on site should act as the established channel of assistance and, if possible, submit an evaluation report on the use of the first instalment in conformity with the mandate of the Fund.
- Project grant No. 24 of US\$ 5,000 in two instalments of US\$ 2,500 each, for the Consulting Center for Constitutional Rights and Justice C3RJ, a Nigerian NGO, to contribute to direct humanitarian and legal assistance to repatriated children subjected to trafficking. The release of the first instalment is subject to positive appreciation on the first phase of the project by a United Nations agency such as UNICEF or UNDP, acting as an established channel of assistance or by the Centre for Advance Social Science (CASS). The grant should be paid preferably through UNDP Nigeria or another United Nations agency in the field. The release of the second instalment is conditional to receipt of satisfactory narrative and financial reports on the use of the first one.

Total for project grants recommended: US\$ 27,000.



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Sub-Commission on Prevention of
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Working Group on Contemporary
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Twenty-fourth session
23 June-2 July 1999

Note by the secretariat

Addendum

The present document provides updated information on contributions paid and pledges made to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY
FORMS OF SLAVERY

Contributions available for the fourth session of the Board in March 1999

As at 10 March 1999

Country	Amount in US\$	Paid in NY/GE	Paid on
Cyprus	1 000.00	GE	12.05.1998
France	85 000.00	GE	04.11.1998
Ireland	29 600.00	GE	06.11.1998
Japan	50 000.00	NY	29.01.1999
Kuwait	25 000.00	GE	01.09.1998
South Africa	10 000.00	GE	06.04.1998
Turkey	5 000.00	GE	20.02.1998
United Kingdom	8 465.00	GE	19.10.1998
NGOs and individuals	Amount in US\$	Paid in NY/GE	Paid on
Mr. Mario Aldighieri	590.00	GE	08.12.1998
Instituto Tecnico Commerciale	940.00	GE	03.11.1998
Oscar Romero	565.00	GE	29.12.1998
Mr. Sadiq M. Marafi	675.68	GE	08.09.1998
MLAL Movimiento Laici, Verona	379.47	GE	27.10.1998
Operazione Terzo Mondo	2 000.00	GE	19.10.1998
Mr. Yorio Shiokawa	2 027.00	GE	21.09.1998
Ms. Halima Warzazi	503.00	GE	28.05.1998
Grand total	221 745.15		

UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY
FORMS OF SLAVERY

I. Contributions available for the fifth session of
the Board in 2000

As at 22 June 1999

Country	Amount in US\$	Paid in NY/GE	Paid on
France	16 357.00	GE	29.04.1999
South Africa	7 589.00	GE	07.04.1999
NGOs and individuals	Amount in US\$	Paid in NY/GE	Paid on
Operazione Terzo Mondo	1 000.00	GE	10.06.1999
Grand total	24 946.00		

II. Pledges made

As at 22 June 1999

NGOs and individuals	Amount in US\$	Pledged on
Women's World Summit Foundation	2 815.00 ^{1/}	08.05.1999

^{1/} Contribution paid but not yet officially registered by the
United Nations Treasurer.



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Sub-Commission on Prevention of
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Working Group on Contemporary
Forms of Slavery
Twenty-fourth session
23 June - 2 July 1999
Items 5 and 6 of the provisional agenda

REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF
SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY
FORMS OF SLAVERY, INCLUDING THE STRUGGLE AGAINST CORRUPTION AS
A PROMOTING FACTOR OF CONTEMPORARY FORMS OF SLAVERY

OTHER FORMS OF EXPLOITATION

Report of the Secretary-General

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Introduction

1. In its resolution 1998/19, the Sub-Commission requested the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group.
2. The Secretary-General has received information relating to various sub-items of items 5 and 6 of the provisional agenda. A summary of the substantive replies is provided in the present document, which is submitted in response to the request of the Sub-Commission.

I. INFORMATION RECEIVED FROM GOVERNMENTS

Brunei Darussalam

[Original: English]
[12 October 1998]

1. Section 369 of the Penal Code (Cap 22) of Brunei Darussalam provides that whoever imports, exports, removes, buys, sells or disposes of any person as a slave or accepts or receives or detains any person as a slave shall be punished with imprisonment which may extend to seven years and fined, as this is regarded as a serious offence in Brunei Darussalam.
2. Section 372 of the Penal Code provides that whoever sells, lets to hire or otherwise disposes of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose shall be punished with imprisonment which may extend to 10 years and fined. The Penal Code also makes unlawful compulsory labour an offence.
3. The Unlawful Carnal Knowledge Act (Cap 29) and the Women and Girls Protection Act (Cap 120) also makes provision for offences involving the use of women and girls for the purpose of prostitution.

Croatia

[Original: English]
[14 April 1999]

1. Since 1990 no criminal act has been recorded in Croatia comparable to the contemporary forms of slavery as described in the resolution of the Sub-Commission and related to the exploitation of domestic and migrant workers, slavery and child labour, sexual exploitation of children and the exploitation of the prostitution of others, and the illegal activities of some religious and other sects. The reason for the absence of such acts, we believe, is, first, the absence of social groups living under the conditions of extreme poverty that result in utter disrespect for human life, and, second, that such behaviour is extraneous to the social, traditional and moral values prevailing among our people.

2. The Ministry of the Interior is continuously taking measures designed to prevent such acts, especially those suggesting organized crime or those that may be linked to contemporary forms of slavery.

3. From 1990 onwards, i.e. since Croatia's independence, some positive tendencies in terms of a reduced rate of juvenile crime have been recorded, including increased efficiency of the police in detecting acts harmful to children and underage persons, their physical and mental integrity and health, normal sexual development, education and harmonious development of their personality. The Juvenile Courts Act emphasizes the need to engage experts specialized in juvenile crime prevention and custody of underage delinquents. Criminal officers are required to show interest in matters such as education and the needs of the young.

4. Family violence, probably the worst threat to children, is manifested in physical, mental and sexual abuse of children, as well as neglect, which breeds various forms of behavioural disorder to the point of delinquency, alcohol and drug addiction. Timely prevention, detection and reporting of the criminal acts of family violence can avert such destructive effects on the overall development of the young.

5. The new 1998 Penal Code contains a number of provisions which are intended to protect children, underage persons and women from any possible contemporary forms of slavery and which conform with relevant international standards. Thus the Penal Code, inter alia, defines the following criminal acts:

Enslavement and transport of slaves (art. 175);

International prostitution (art. 178);

Procurement (art. 195);

Exploitation of children or underage persons for pornography (art. 196);

Introducing children to pornography (art. 197).

6. Article 22 of the Constitution of the Republic of Croatia prescribes: "Human freedom and personality shall be inviolable. No one shall be deprived of freedom except as specified by law and decided by a court". This incrimination as a delict sui generis is contained in chapter XIII of the Penal Code (Crimes against the values protected under international law), article 175, entitled "Enslaving and transport of slaves", stipulating that anyone who, in contravention of international law, imposes slavery or a slavery-like relationship on a person or keeps him/her in such relationship, buys, sells or hands him/her over to another person or mediates in the purchase, sale or handover of such a person, or who makes another person sell his/her freedom or the freedom of his/her dependent, shall be punished by imprisonment for one to 10 years, and anyone who, in contravention of international law, buys, sells or hands over to another person, or mediates in the purchase, sale or handover of a child or underage person for the purpose of adoption, organ transplantation, child labour or for other illegal purposes shall be punished by imprisonment for at least five years. Furthermore,

anyone who, in contravention of international law, transports the persons on whom slavery or a slavery-like relationship is imposed shall be punished by imprisonment for six months to five years.

7. As for child labour, according to current Croatian legislation underage persons cannot be employed before they reach a legally fixed age, nor can they be forced to perform any work which may be detrimental to their health or morality, nor can such work be permitted. The Labour Act prescribes special requirements to be met in employing underage persons to the effect that a person younger than 15 years can be employed only in exceptional cases, subject to approval by a labour inspector, such as paid participation in film productions, art, theatre and other shows and performances and in ways, to a degree and in the types of engagement which will not endanger his/her health, morality, education or development.

8. According to the Penal Code a child is a person younger than 14 years and an underage person is one who has not reached the age of 18, which complies with article 1 of the Convention on the Rights of the Child. Consequently, criminal acts have been defined whereby, inter alia, children are protected from sale, prostitution and child pornography and the girls and women from trade for the purpose of sexual exploitation.

9. Article 178 (International prostitution) of the Penal Code stipulates that anyone who lures, entices or encourages a person to gainfully render sexual services in a State other than the one of which such person is resident or a national, shall be punished by imprisonment from three months to three years; anyone who by force or threat of force, or by deceit, coerces or induces a person to go to a State of which such person is not resident or a national, to gainfully render sexual services, shall be punished by imprisonment from six months to five years. If the above-mentioned offences have been committed against a child or minor, the perpetrator shall be punished by prison from one to 10 years. It is irrelevant for establishing if the offence was committed whether the person lured, enticed or encouraged, coerced or deceitfully induced to prostitution had already engaged in prostitution or not.

10. In the Republic of Croatia, a person who engages in prostitution is not guilty of a crime but of an offence pursuant to article 12 of the 1990 Law on Offences against Public Order and Peace. The legislator provides that for such offence a person may be fined or imprisoned for up to 30 days. Pursuant to article 34 of the same law, such offender shall be sent for mandatory medical treatment for venereal diseases or AIDS, and article 36 of the same law provides for a protective measure of removal of such person from the territory of the municipality in which the offence was committed for a period of 30 days to six months.

11. However, article 195 (Procuring) of the Penal Code provides that anyone who gainfully arranges or enables others to render sexual services shall be fined or imprisoned for up to one year; and anyone who by force or threat of force, or by deceit, gainfully coerces or induces a person to render sexual services, shall be fined or imprisoned for up to three years. If such offence was committed against a minor, the perpetrator shall be punished by prison

from one to eight years. It is irrelevant for establishing if the offence was committed whether the person procured had already engaged in prostitution or not.

12. In regard to the crime mentioned in article 196 (Exploiting children or minors for pornography), it is stipulated that anyone who takes pictures of a child or minor for the purpose of making photographs, audio and video tapes or other pornographic items, or for sale or distribution or presentation of such material, or who induces a child to participate in a pornographic performance, shall be punished by imprisonment from one to five years, and such items and material shall be seized.

13. Introducing children to pornography is criminalized pursuant to article 197 of the Criminal Code (Introducing children to pornography) which stipulates that anyone who sells, gives, shows, publicly displays or in any other way, makes available to a child, texts, pictures, audio and video tapes or other pornographic items, or shows a pornographic performance to a child, shall be fined or imprisoned for up to one year, and such items and material shall be seized.

Contemporary forms of slavery
(1998 data)

Type of offence	Number of offences	Number of victims		Number of perpetrators
		Underage	Of age	
Art. 175 - Enslavement and transport of slaves	2	-	2	3
Art. 178 - International prostitution	4	-	5	5
Art. 195 - Procuring	18	2	24	16
Art. 196 - Exploiting children or underage persons for pornography	1	2	-	2
Art. 197 - Introducing children to pornography	9	16	-	9
Total	34	20	31	35

14. As part of internationally organized procurement for prostitution some Croatia citizens, assisted by foreigners, bring foreign female nationals to Croatia to engage in prostitution. Last year four cases of international prostitution (art. 178) were recorded in Croatia. All of them involved Ukrainian citizens allured by promises of a good job in catering or similar services. On their arrival in Croatia they were forced to engage in prostitution. Eighteen cases of procurement (art. 195) were also recorded

last year. The perpetrators were Croatian citizens who allured poorer Croatian females of age. The perpetrators usually arrange the venue and time of providing paid sexual services.

15. So far there has been no indication of a correlation between juvenile delinquency and organized crime, nor have there been reported cases of underage persons involved in organized crime. Not a single case of commercial sexual abuse of children or minors has been recorded, nor a case of sexual tourism involving children or minors.

16. In the course of 1998 nine criminal acts of introducing children to pornography were recorded, involving 16 children. In most cases the perpetrator knows the victim, and the criminal acts include indecent exposure, gross indecency in front of a child or minor, or other acts against sexual freedom and sexual morality.

17. During their courses at the Police Academy police officers are taught to take a stand against any discrimination or intolerance, thereby being guided and stimulated to develop a civilized and humane relationship with citizens. A course entitled "Police ethics", as well as other courses in their curriculum seek to promote and safeguard the dignity of each person, irrespective of any heredity or acquired traits.

18. Pursuant to the provisions of the Convention on the Rights of the Child and other relevant United Nations and European Community instruments and based on the determined orientation of our society to provide full legal protection of children and effectively prevent juvenile delinquency in order to safeguard the welfare of our youth, the Ministry of the Interior has introduced changes to the police work in this field, such as the establishment and organization of a special task force for juvenile delinquency and legal protection of children and youth. Furthermore, under the Juvenile Courts Act specialized public attorneys and judges for minors handle court cases involving children or minors as victims.

19. The Republic of Croatia is also a signatory to 12 international conventions relating to the prevention of terrorism, illicit trafficking in narcotics and organized crime, thus providing a basis for the regulation and cooperation of the signatory States in the field of prevention of violent crimes against the life, health, freedom and dignity of persons and crimes against property, traffic in persons, procurement, illegal migration and illegal residence. The implementation of these conventions and intensive international police cooperation will enable contemporary forms of slavery to be combated effectively.

20. Since 1992 the Republic of Croatia has been a member of the International Criminal Police Organization (Interpol) through which the bulk of international police cooperation with foreign criminal police offices is conducted.

Germany

[Original: English]
[28 January 1999]

The competent German authorities have no knowledge of any single case of trade of organs and tissues of children and adults for commercial purposes in Germany. Trade of organs and tissues for commercial purposes is prohibited by law in Germany.

Guatemala

[Original: Spanish]
[2-15 February 1999]

1. The following hospital medical centres which carry out organ transplant operations are registered with the Department of Registration and Inspection of Health Establishments and Personnel, of the Health Services Directorate-General of the Ministry of Public Health and Social Welfare:

The "Centro Médico" hospital - kidney transplants;

"Doctor Rodolfo Robles" Eye and Ear Hospital - corneal transplants;

Guatemalan Social Security Institute - kidney and corneal transplants;

National Chronic Kidney Disease Unit (UNAERC), of the Ministry of Public Health and Social Welfare - kidney transplants;

Ophthalmological Department of the Roosevelt Hospital - corneal transplants;

National Cardio-vascular Surgery Unit (UNICAR), of the Ministry of Public Health and Social Welfare - artificial and cadaver heart valve transplants;

"Instituto Tecnológico de la Visión Sociedad Anónima - INTEVISA" specialist ophthalmological day hospital; "Servicios Oftamológicos Asociados Sociedad Anónima 'Visión Integral'"; Ophthalmological clinics - admission and records of corneal transplants.

2. Congressional Decree 91-96 - Disposal of Human Organs and Tissues Act - places no restrictions on the transplant of healthy living or cadaver human organs or tissues. The Department of Registration and Supervision of Health Establishments and Personnel reports that the organs most frequently transplanted in Guatemala are kidneys, corneas and artificial and cadaver heart valves.

3. The Department of Registry and Supervision of Establishments and Personnel, of the Ministry of Public Health and Social Welfare, inspects and oversees private-sector hospital medical centres, granting a five-year licence to establishments that meet the quality standards. The Ministry of Public Health and Social Welfare regularly inspects State hospital medical centres.

4. The Ministry of Public Health and Social Welfare is currently studying draft amendments to Decree 91-96, the aim of which is, inter alia, to set up mechanisms for strict monitoring of the procedures used in carrying out this kind of operation, so as to ensure that they do not in any way violate the rights of organ and/or tissue donors or recipients.

5. In a study entitled "Nuevas formas de violencia sobre la niñez: Informe sobre el tráfico de niños/niñas, trasplante ilegal de órganos y adopciones internacionales en Guatemala" ("New forms of violence against children: Report on trafficking in children, illegal organ transplantation and international adoption in Guatemala") the United Nations Children's Fund (UNICEF) reports that, in response to allegations that children were being abducted in order to supply suspected trafficking in organs, the Medical Association of Guatemala carried out a research project to determine whether the sale and illegal transplantation of organs was feasible or not. The research focused on the following points:

(a) Whether the Public Prosecutor's Office or judiciary knew of cases or of bodies where any organ appeared to have been removed;

(b) Whether it was possible to perform such a complex operation in any building or establishment;

(c) Which Guatemalan doctors were capable of successfully performing such an operation.

6. The following conclusions were reached:

(a) No judge or forensic physician has ever witnessed an autopsy, in either forensic or purely medical cases, in which there was any suspicion or evidence of illegal organ transplantation;

(b) Surgical operations of this kind cannot be done in any building or house;

(c) Technically very complex equipment and highly trained staff are needed;

(d) For financial reasons, very few transplants are carried out. Patients do not have the financial means to meet such an expense;

(e) It is quite impossible to carry out such operations successfully without well-equipped, high-technology operating theatres.

7. The Medical Association of Guatemala established that it was not scientifically possible to remove an organ from a human being for transport abroad and transplantation into another human being. The Association reports that children are indeed abducted and taken abroad, but they know of no case in which organs have been removed for transport out of Guatemala.

8. The same study also states that the Directorate-General of the National Police has not detected any case of illegal sale or transplant of organs. It further reports that the Ministry of the Interior arranged a meeting of

four doctors in order to consider and discuss the subject. The general conclusion was that illegal organ transplants could not be performed in Guatemala and that, since the preparatory work required was highly complex, it was virtually unthinkable that such operations could be done. It points out, in addition, that it is not simply a matter of removing an organ and transplanting it.

9. The study also indicates that, according to information obtained from the Government, no bodies of children have hitherto been found showing evidence of having lost vital organs, and that, to date, it has not been possible to document a single case of children being subjected to involuntary or illegal transplants.

Lebanon

[Original: French]
[7 April 1999]

It is the task of the Vice Office of the Criminal Investigation Department to prevent sexual assault on minors and to try to stop children entering entertainment centres and cinemas that show pornographic pictures, since their presence there provokes assault by adults or exploitation in drug trafficking and stealing. The Vice Office is supposed to monitor such situations, where they occur; however, no case of the sale of children has been reported to the Vice Office, which therefore submits the following proposals:

- The exploitation of minors in acts perpetrated within cinemas should be prevented and strict monitoring should be introduced;
- The penalties for anyone exploiting children, whether by exploitation or abuse, should be stiffened;
- Steps should be taken, in coordination with the competent services of the Ministry of Labour and Social Affairs, to establish a shelter for orphaned and homeless children and beggars;
- Awareness-raising campaigns should be conducted regularly among families, so as to encourage them to supervise their children and deal with problems they may face.

United Arab Emirates

[Original: Arabic]
[8 April 1999]

1. An organ transplantation programme started in the United Arab Emirates in 1985. We mean by this only transplantation of kidney and cornea. Up to this point, these are the only organs which have been transplanted in our country.

2. The transplantation of cornea was mainly practised in government hospitals in Abu Dhabi, Dubai, and Sharjah. As of this date, 750 corneas have been transplanted. All the corneas were imported. The majority came from a Government-controlled Corneal Bank in Sri Lanka.

3. As of this date, 90 kidneys have been transplanted in the United Arab Emirates. Only one centre in Mafraq Hospital, with the cooperation of the Nephrology Department in Al-Jazeira and Central Hospitals, has maintained this type of transplantation programme in the United Arab Emirates. Apart from two cadaveric kidneys imported from "Eurotransplant", all the transplanted kidneys have come from living related donors or emotionally related donors (i.e. spouses).

4. In spite of repeated warnings and pressure to discourage them, 250 patients (United Arab Emirates nationals as well as expatriates) travelled abroad seeking kidney donors in nearby countries. This is mainly due to the critical shortage of available organs in this country (either cadaveric or living related). These patients are then unfortunately exposed to the many moral, social, financial and health care problems in these countries. Some years ago, India represented the major source of unrelated kidney transplants. This reprehensible situation changed as a result of laws passed in India forbidding this practice, especially donation for non-Indians. Now the primary countries travelled to for this kind of kidney transplant are Pakistan, Iraq, the Islamic Republic of Iran and the Philippines.

5. In 1993, a federal law was passed in the United Arab Emirates regulating the transplantation of organs (Law No. 15/1993). This law permits living related donation pursuant to certain conditions ensuring the health of the donor, the appropriateness of the relationship to the recipient, and to ensure the prevention of any commercial or financial gain from the transplantation. This law also permits cadaveric donation. However, sub-laws are still being finalized as to a clear acceptable definition of death within the dictates of our religion and of organ harvesting.

6. There are other articles regulating donation, in addition to defining the specification of transplant centres and the limits of responsibility of staff working in the field. There are articles defining mandatory minimum and maximum sentences for those found guilty of organ trafficking or achieving any financial gain in the donation of organs.

7. In summary, the trafficking of organs is absolutely forbidden in the United Arab Emirates. As of this date, there has been no case brought to the authorities concerning such unethical practices.

II. INFORMATION RECEIVED FROM UNITED NATIONS ORGANS/BODIES

United Nations Office at Vienna/United Nations Interregional
Crime and Justice Research Institute (UNICRI)

[Original: English]

[11 March 1999/9 February 1999]

1. The two organizations separately sent information on the Global Programme against Trafficking in Human Beings, a joint programme of the Office for Drug Control and Crime Prevention (ODCCP) and the Centre for International Crime Prevention (CICP) in Vienna and UNICRI in Rome.
2. The Programme consists of an integrated package of action-oriented research and targeted technical cooperation. It will comprise an analysis of smuggling trafficking flows, a collection of best practices, carrying out of demonstration projects in selected countries and standardized evaluation. The end products will be a databank of tested best practices accessible through the Internet and a knowledge-based international strategy, to be presented at a high-profile global conference.
3. In the first phase, data will be collected on different routes for smuggling human beings and the structures and modalities used for transportation and ensuring exploitation. Literature review, file analysis of closed criminal cases and interviewing of officials of criminal justice, immigration and social agencies in selected countries will make it possible to assess the extent and nature of the exploitation and the role played by criminal organizations. Parallel to these assessments of the phenomenology, a global inventory will be made of documented and undocumented best practices addressing smuggling and trafficking, including special legislation and institutional arrangements. A Website will be set up on the Internet to invite input from local NGOs.
4. In the second phase, a series of demonstration projects will be launched in a selection of interested countries. The demonstration projects will seek to implement those best practices, ascertained in the global inventory, which seem most suitable for the problems at hand in the country. They will include a wide range of different approaches, so as to optimize the practical experiences gained. The demonstration projects will assist Governments in (a) counteracting operations and structures by which human beings are trafficked and exploited; (b) strengthening crime-prevention strategies against trafficking and smuggling of human beings; and (c) improving victim-witness protection and assistance. The technical cooperation will include the training of professional groups involved, such as law enforcement, customs, the judiciary and social services, legislative reform, institution-building and the creation of support structures for victims and witnesses. Where possible, the projects will build upon existing initiatives in the country supported by national and/or other international agencies and NGOs.
5. The processes, impacts and possible side effects of the demonstration projects will be evaluated. The overall evaluation results will be input for both the databank on best practices and the global strategy.

6. In the third phase, a global strategy against smuggling of migrants and trafficking in human beings will be formulated in close consultation with the relevant national and international organizations. It will be presented for adoption by the international community at a world conference that will be organized in 2002. After its adoption, it will be disseminated with the help of modern communication media, e.g. the specialized Website.

7. The envisaged duration of the Programme is 36 months and United Nations entities, Member States, intergovernmental organizations, the academic community and NGOs will be invited to join the Programme.

8. It was suggested that the Working Group on Contemporary Forms of Slavery might wish to focus future action on victim-related aspects of trafficking in human beings, regardless of the purpose for which such persons have been victimized, bearing in mind that an advisory group will be established to monitor the implementation of the Global Programme. It could be envisaged that the results of the Global Programme regarding the organized crime aspects of trafficking in human beings could be brought to the attention of the Working Group, as appropriate, and that the work of the Working Group on Contemporary Forms of Slavery in this field could be brought to the attention of the Commission on Crime Prevention and Criminal Justice and/or the body which will be entrusted with monitoring the implementation of the future convention against transnational organized crime and its optional protocols on trafficking in women and children and on smuggling of migrants.

United Nations Relief and Works Agency for
Palestine Refugees in the Near East

[Original: English]
[6 January 1999]

Pursuant to its mandate the Agency provides essential health care services to Palestine refugees through a network of primary health care facilities. UNRWA does not audit governmental or private hospitals operating in its area of operations and is therefore not in a position to comment on allegations regarding the removal of organs and tissues of children and adults for commercial purposes.

III. INFORMATION RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS

Council of Europe

[Original: English]
[13 April 1999]

1. The Parliamentary Assembly of the Council of Europe has adopted the following substantive texts pertaining to the Sub-Commission's resolution:

Order No. 491 (1993), on the situation of women and children in the former Yugoslavia;

Resolution 1011 (1993), on the situation of women and children in the former Yugoslavia;

Opinion No. 186 (1995), on the draft European Convention on the exercise of children's rights;

Recommendation 1286 (1996), on a European strategy for children;

Resolution 1099 (1996), on the sexual exploitation of children;

Recommendation 1325 (1997), on traffic in women and forced prostitution in Council of Europe member States;

Recommendation 1336 (1997), on combating child labour exploitation as a matter of priority; and

Recommendation 1371 (1998), on abuse and neglect of children.

2. With regard to the intergovernmental activities of the Council of Europe, the Working Group on Contemporary Forms of Slavery may be interested to know that the Council's Steering Committee on Equality between Women and Men (CDEG) has developed a number of activities in the field of action against trafficking in human beings for the purpose of sexual exploitation. A short note on these activities is also appended to this letter.*

3. As far as questions of child labour are concerned, the Committee of Ministers in June 1998 approved the Council of Europe Programme for Children.* In reply to the above-mentioned Parliamentary Assembly's Recommendation 1336 (1997) on combating child labour exploitation as a matter of priority, the Committee of Ministers adopted several decisions.*

4. With reference to sexual exploitation of children, the following past or planned activities may also be brought to the attention of the Working Group on Contemporary Forms of Slavery at its forthcoming session:

(a) In the context of the follow-up to the 1996 World Congress against Commercial Sexual Exploitation of Children, a European follow-up conference was organized in Strasbourg on 28 and 29 April 1998. It was aimed at taking stock of the measures taken at national level, identifying the problems encountered by Governments in implementing the Stockholm Agenda for Action, and presenting examples of relevant good practice in combating the crimes concerned;

(b) The European Committee on Crime Problems (CDPC) is currently reviewing the implementation of Recommendation No. R(91)11 on sexual exploitation, pornography and prostitution of, and trafficking of, children and young adults, with a view to updating it;

* Text available for consultation with the secretariat.

(c) As concerns the use of the Internet for the purpose of sexual exploitation of children, the Committee of Experts on Crime in Cyberspace (PC-CY) is preparing special provisions to be included in a convention in this field. Work on this draft convention is expected to be concluded in 2000;

(d) With regard to the protection of victims, reference might be made to the attached Recommendation No. R(97)13* on the intimidation of witnesses and the rights of defence, which deals, *inter alia*, with measures to be taken in relation to vulnerable witnesses, including in particular children, especially in cases of crime within the family.

European Group on Ethics in Science and New Technologies

[Original: English]
[16 December 1998]

1. The European Group on Ethics in Science and New Technologies (EGE) is an advisory committee of the European Commission, composed of 12 members from different disciplines and countries who formulate Opinions (recommendations) on ethical implications arising from science and new technologies. The European Parliament and the Council of the European Union can also request Opinions from the group. This usually takes place within the Community decision-making process.

2. The Opinion on "Ethical aspects of research involving the use of human embryos in the context of the Fifth Framework Programme" was issued by the EGE on 23 November 1998 and was based on an amendment tabled at the European Parliament that aimed to exclude from Community funding, within the Fifth Framework Programme on Research and Technological Development, all research projects that result in the destruction of the human embryo.

3. In the light of recent scientific developments in both the United States and Europe, it is imperative that a global debate takes place on all issues arising from science and new technologies, particularly information technologies, which directly affect the daily lives of all citizens.

International Criminal Police Organization

[Original: English]
[4 March 1999]

1. In general, it appeared during the International Conference on Trafficking in Women, held in Vienna in October 1998, that the problem of trafficking in women and children was too narrowly defined in many countries and the social, employment and migration aspects of trafficking were too often ignored. The notion of "prostitution" did not cover all forms of trafficking

* Text available for consultation with the secretariat.

and therefore hampered effective prosecution. The action against "legal trafficking" (entry with legal documents) was limited. Provisions to allow the seizure and confiscation of profits have to be extended to trafficking-related offences and the prosecution of nationals in their home country for acts of trafficking committed abroad should be part of an anti-trafficking law. Furthermore, given the fact that the principle of granting residence permits to victims prepared to testify in court in Western Europe was too strictly interpreted, investigators had to anticipate that the victims of such crimes would never be available as witnesses or complainants. Some of the participants called for the use of special police techniques (undercover agents, controlled delivery, observation) against traffickers and exploiters.

2. The countries of origin in Central Europe have also become countries of transit and target areas. One-day cross-border sex tourism appeared and women were being trafficked for one day or one night into a country from neighbouring countries. The collection of evidence was a problem because most of the recruiters and exploiters who run the network stayed in the neighbouring countries. Law enforcement action in Central and Eastern European countries should be completed by common return and rehabilitation mechanisms, special regulations on social rights of the trafficked women, and on residence regulations based on employment measures. There was a lack of awareness-training for police officers and prevention through information campaigns were underestimated.

3. The ICPO-Interpol General Secretariat has recently created a new Branch and future services will include:

(a) Identifying the regions touched by the phenomenon through strategic analysis using the available data, the expertise of other organizations and open sources;

(b) Helping those regions touched by the phenomenon to formulate an adapted approach defining minimum standards for repression, prevention and support mechanisms;

(c) Enhancing mutual understanding of evidence requirements in other regions through awareness-training of police officers at regional training sessions;

(d) Developing a standard collection format which responds to all the elements of the modus operandi.

4. For the time being this Branch is defining with other organizations the categories of information which have to be exchanged between the different partners active in the struggle against trafficking in women and the degree of urgency of this exchange.



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Working Group on Contemporary
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Item 4 of the provisional agenda

REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP
TO THE CONVENTIONS ON SLAVERY

Consolidation and review of the Conventions on Slavery

Executive summary of the working paper prepared by
David Weissbrodt and Anti-Slavery International

1. At its twenty-third session the Working Group on Contemporary Forms of Slavery "asked David Weissbrodt and Anti-Slavery International ... to prepare a comprehensive review of existing treaty and customary law covering all the traditional and contemporary slavery-related practices and relevant monitoring mechanisms" (E/CN.4/Sub.2/1998/14, para. 22).

2. The present executive summary provides a brief overview of the 87-page working paper which was prepared in response to that request of the Working Group. (Particular thanks are due to Norah Gallagher, Marcela Kostihova and Mary Thacker for their assistance in preparing the working paper.) The working paper first introduces the subject by tracing the core international law against slavery: its origins and the progress of the international campaign to abolish the slave trade and slavery; the legal instruments and institutions which have been established to combat slavery (including the Working Group on Contemporary Forms of Slavery); the evolving definition of slavery, contemporary forms of slavery and other related practices. The working paper then focuses particular attention on serfdom, forced labour, debt bondage, migrant workers, trafficking in persons, prostitution, forced marriage and the sale of wives, other issues, international monitoring mechanisms, and tentative conclusions and recommendations.

I. CORE INTERNATIONAL LAW AGAINST SLAVERY

3. Although slavery has existed since ancient times, the 1815 Declaration Relative to the Universal Abolition of the Slave Trade was the first international instrument to condemn it. The abolitionist movement started in an effort to stop the Atlantic slave trade and to free slaves in the colonies of European countries and in the United States of America. Although many believe that slavery has been abolished, various forms are still common at the end of the twentieth century.

4. There exists a large number of agreements, both multilateral and bilateral, dating from the early nineteenth century containing provisions that prohibit such practices in times of war and peace. It has been estimated that between 1815 and 1957 some 300 international agreements were implemented relating to the suppression of slavery. None has been totally effective.

5. The League of Nations was very active in its work to eliminate slavery. The United Nations took over this role after the Second World War, and as a result slavery in all its forms was firmly established as a gross violation of basic internationally recognized human rights. It is now a well-established principle of international law that the prohibition against slavery and slavery-related practices has achieved the level of customary international law and has attained jus cogens status. In the Barcelona Traction case the International Court of Justice identified the protection from slavery as one of two examples of obligations erga omnes arising out of human rights law.

6. The first definition of slavery in an international agreement appears in the League of Nations Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (the "Slavery Convention of 1926"). Article 1 (1) sets out the definition of slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". The Slavery Convention of 1926 also prohibits all aspects of the slave trade. While article 1 of the Slavery Convention of 1926 may appear relatively restrictive in its definition of slavery, article 2 requires States parties "to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms".

7. Although the Slavery Convention outlawed slavery and associated practices, it not only failed to establish procedures for reviewing the incidence of slavery in States parties, but also neglected to create an international body which could evaluate and pursue allegations of violations.

8. The period before and just after the Second World War also saw the adoption of a series of international conventions concerning the traffic of women for prostitution. These abuses were not mentioned in the Slavery Convention.

9. Following the establishment of the United Nations, the General Assembly in 1948 adopted the Universal Declaration of Human Rights, article 4 of which states: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."

10. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 (the "Supplementary Convention") went further and covered more ground than the 1926 Convention. The provisions of article 1 oblige States parties to abolish certain institutions and practices analogous to slavery which are referred to collectively as "servile status" including debt bondage and serfdom:

"(a) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

"(b) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;

"(c) Any institution or practice whereby:

"(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any person or group; or

"(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or

"(iii) A woman on the death of her husband is liable to be inherited by another person;

"(d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour."

11. The Supplementary Convention of 1956 augments but does not replace the definition of slavery in the Slavery Convention of 1926. Although there have been subsequent appeals to redefine slavery in today's world, the combined definition in these two conventions has remained.

12. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights contain provisions relating to slavery and its prohibition. Article 6 of the former Covenant recognizes the right to work "which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts". Articles 7 and 8 of this Covenant set out conditions and rights that must be protected by the States parties such as fair wages and equal remuneration for work of equal value and the right to form and join trade unions. The latter Covenant in article 8 prohibits slavery and servitude just as does the Universal Declaration. This provision comprises one of the non-derogable rights (even in times of public emergency).

13. The most recent reference to slavery in an international instrument is in the Final Act adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in July 1998. Enslavement is deemed to be a crime against humanity which falls under the jurisdiction of the Court. Enslavement is defined in article 7 (2) (c) of the Rome Statute as "the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children". This definition is largely the same as the first definition adopted by the League of Nations over 60 years ago with the addition of a specific reference to trafficking.

A. Main characteristics of slavery

14. A common theme exists in all of the conventions concerning the abolition of slavery and slavery-like practices which relates to the concept of ownership. The fundamental characteristic of slavery is that it deprives the slave of his or her freedom of movement and the ability to make decisions for him- or herself, as well as of many other fundamental freedoms. It is, therefore, understandable that the concept of ownership pursuant to which the enslaved individual loses all control over his or her own life and labour was considered a central issue in identifying slavery by the international community. It can be argued that the use of the phrase "any or all of the powers attaching to the right of ownership" was intended to give a more expansive and comprehensive definition of slavery which would include not just the forms of slavery involved in the African slave trade, but also practices of a similar nature and effect. It is clear that the aim of the Slavery Convention of 1926 was to eliminate all forms of slavery, however they arose, given its severe and often irreversible effect on the individuals affected.

15. The concept of ownership has resulted in slaves sometimes being described as "chattels". Traditional slavery was referred to as "chattel slavery" on the grounds that the owners of such slaves were able to treat slaves as if they were possessions. Such practices are extremely rare nowadays and the criterion of ownership may obscure some of the other characteristics of slavery, which are associated with the complete control to which a victim of slavery is subjected by another human being, and which are implied by the Slavery Convention's actual wording, "any or all of the powers attaching to the right of ownership".

16. It is clear that the circumstances of the enslaved person are crucial to understanding and identifying what practices constitute slavery. In this regard there are certain conditions that must be considered, including: the degree of restriction of the individual's inherent right to freedom of movement; the degree of control of the individual's personal belongings; and the existence of informed consent and a full understanding of the nature of the relationship between the parties. It will become apparent that these elements of control and ownership, often inflicted with the threat of violence and accompanied by ongoing abuse, are central to identifying the existence of slavery. The migrant worker whose passport has been confiscated by his or her employer, the child sold into prostitution or the "comfort woman" forced into sexual slavery - all have the element of choice and control of their lives taken from them and passed to a third party, either an individual or a State.

17. As the use of intimidation, coercion, or force is frequently cited as a reason for categorizing particular forms of exploitation as slavery, the question of whether economic imperatives - a need for money or income - constitute a form of "force" is pertinent. The question is raised in various contexts, but chiefly in relation to traffic in women and exploitation of prostitution. It is not only in relation to prostitution that these questions are raised. For example, some bonded labourers could potentially escape their bonded status by leaving the community in which the person responsible for their bondage (their employer) has influence. No physical forms of constraint or barriers prevent them leaving. Economic and social considerations, however, along with a lack of awareness of what might happen to them and their families, mean that they do not leave.

B. Violations of other fundamental rights associated with slavery

18. The process of enslavement, as well as, in many cases, the treatment of victims of slavery, servile status and forced labour, is often accompanied by many other violations of human rights: for example, flogging workers, keeping them in chains, giving them no payment, or giving them only just enough to pay for meals and accommodation.

19. The classic process of enslavement, involving either abduction or recruitment through false promises or duplicity, involves a violation of the individual's right to liberty and security of person, as guaranteed by article 9 of the International Covenant on Civil and Political Rights, together in many cases with a violation of the right of a person deprived of his/her liberty to be treated with humanity and of the right not to be subjected to cruel, inhuman or degrading treatment.

20. On a number of occasions, victims of slavery are reported to have "disappeared" while being trafficked or held in slavery. The Supplementary Convention of 1956 explicitly prohibits "the act of mutilating, branding or otherwise marking a slave or a person of servile status in order to indicate his status, or as a punishment, or for any other reason ...". Other forms of ill-treatment, including beatings and other corporal punishment, are a violation of the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Their occurrence is an aggravating factor, providing indication that slavery or forced labour is likely to be occurring, but by itself is not sufficient evidence that slavery is taking place, just as its absence should not be interpreted as evidence that slavery is not taking place.

21. Victims of slavery, servile status and forced labour are, almost by definition, deprived of their right under article 12 of the International Covenant on Civil and Political Rights to liberty of movement and freedom to choose their residence, just as they are deprived of their right to gain a living by work which they freely choose or accept, under the terms of article 6 of the International Covenant on Economic, Social and Cultural Rights. Almost invariably they are deprived of or prevented from exercising their right to access to the courts and to fair trial by their owners, controllers, employers, or by the authorities themselves acting in complicity with those who are exploiting them.

22. The list of aggravating circumstances, of abuses of fundamental rights which accompany slavery and related abuses, is almost endless. In the harshest cases it includes depriving individuals of their identity (by giving them a new name, often one associated with a different religion or ethnic identity), obliging them to speak a new language, and forcing them to change their religion or subjecting them to coercion in violation of article 18 of the International Covenant on Civil and Political Rights. Some extreme cases also involve preventing individuals from exercising their right to marry and to found a family, notably when the victims are women who are forced to act as the mistresses or concubines of the men who control them, or are forced to remain in prostitution. Virtually all cases involve violations of the victims' freedom of expression, their right to receive and impart information, their right of peaceful assembly, and their freedom of association.

23. In some societies slaves have been prevented from owning or inheriting property. Former slaves, their descendants, or others regarded socially as having slave status are subjected to a wide range of forms of discrimination in many societies. There is a substantial overlap in the obligations on Governments to take measures against such discrimination with their obligations to combat racism and xenophobia, in general.

II. SERFDOM

24. Serfdom was identified as a form of "servile status" by the Supplementary Convention of 1956. It was pointed out by the Working Group on Contemporary Forms of Slavery that existing land tenure regimes "taken in all their aspects, legal, economic, social and political, can in certain circumstances be seen as oppressive power relationships arising from ownership or use of land and disposition of its products to create forms of servitude and bondage" (E/CN.4/Sub.2/AC.2/1985/WP.3/Add.1).

III. FORCED LABOUR

25. The use of forced labour has been condemned by the international community as a practice similar to, but distinct from slavery. The League of Nations and the United Nations have made a distinction between slavery and forced or compulsory labour and the International Labour Organization (ILO) was given principal responsibility for the abolition of the latter.

A. International Labour Organization

26. The ILO has adopted some 181 conventions in the international labour code ranging from maternity protection issues to protection of the most vulnerable and poverty stricken labourers. The ILO has four fundamental principles which it aims to achieve, namely: the elimination of forced labour; freedom of association, including the right to a trade union; the effective abolition of child labour; and the ending of discrimination in employment.

B. Forced labour conventions

27. The Forced Labour Convention (No. 29), 1930 provides for the abolition of forced labour. It defines forced or compulsory labour in article 2 (1) as meaning "all work or service which is exacted from any person under the menace

of any penalty and for which the said person has not offered himself voluntarily". It is clear from this description that forced labour as understood by the international community does not include a concept of ownership as does slavery. Yet the practice imposes a similar degree of restriction on the individual's freedom - often achieved through violent means.

28. The Abolition of Forced Labour Convention (No. 105), 1957 provides for the immediate and complete eradication of forced labour in specific circumstances. Article 1 imposes an obligation on States parties to suppress the use of forced labour for political purposes, for purposes of economic development, as a means of labour discipline or punishment for strike action and as a means of discrimination. ILO Convention Nos. 29 and 105 (collectively referred to as the "ILO forced labour conventions") concerning the abolition and control of forced labour are essentially the only international instruments that set out a definition of forced labour, although its prohibition is endorsed by many treaties, both international and regional.

29. It should be noted, however, that not all forms of forced labour are prohibited under the ILO forced labour conventions. Article 2 (2) of ILO Convention No. 29 sets out certain specific exemptions which otherwise would have fallen under the definition of forced or compulsory labour. The ILO forced labour conventions do not prohibit prison labour but they do place restrictions on its use. ILO Convention No. 29 exempts from its provisions "any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country" and excludes "any work or service exacted in virtue of compulsory military service laws for work of a purely military character". The right of a Government to exact forced labour in times of emergency is exempted from the forced labour conventions. Examples of such circumstances include "war or a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic...". ILO Convention No. 29 also exempts minor communal services "being performed by the members of the community in the direct interest of the said community".

C. International Bill of Human Rights and other relevant human rights instruments

30. In addition to the two International Covenants on Human Rights, the General Assembly adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1973, outlawing a number of inhuman acts committed for the purpose of establishing and maintaining domination by one racial group over any other, including exploitation of the labour of the members of a racial group or groups by submitting them to forced labour.

31. Regional agreements have subsequently come into force which contain provisions similar to those of the two Covenants, such as the American Convention on Human Rights (art. 6) and the African Charter on Human and Peoples' Rights (art. 5). In X v. Federal Republic of Germany, the European Commission on Human Rights identified two factors that must be present when considering forced or compulsory labour: "firstly, that the work is performed against the complainant's will and secondly, that the work entails unavoidable hardship to the complainant".

32. Other categories of practices similar to slavery that have over the years been incorporated into the forced labour concept by the ILO include debt bondage and child labour. These categories are dealt with under separate headings below.

IV. DEBT BONDAGE

33. The Supplementary Convention categorizes the practice of debt bondage as one resulting in a "servile status" and obliges the States parties to implement national provisions to abolish it on a systematic basis.

34. Although the ILO did not include debt bondage in the definition of forced labour in ILO Convention No. 29, the ILO includes debt bondage as a form of forced labour which must be eradicated as it is a practice which has a similar effect on the victim's freedom of employment. The proposed new draft convention concerning the prohibition and immediate elimination of the worst forms of child labour specifically includes debt bondage and its suppression. ILO Convention (No. 117) concerning Basic Aims and Standards of Social Policy, 1962 is particularly concerned with reducing forms of wage payment that foster indebtedness. The objective of ILO Convention (No. 131) concerning Minimum Wage Fixing with Special Reference to Developing Countries, 1970, and its accompanying Recommendation No. 135, is to give wage-earners the necessary social protection in terms of minimum permissible levels of wages. ILO Convention (No. 95) concerning the Protection of Wages, 1949 requires wages to be paid regularly by employers and prohibits methods of payment that deprive workers of the genuine possibility of terminating their employment.

35. Debt bondage or bonded labour still exists today affecting millions of adults and children in their own countries and migrant workers throughout the world. In view of the prevalence of bonded labour among the landless in rural areas, Governments may in some instances have to reform the existing land tenure systems in order to comply with their obligation under the Supplementary Convention to prevent debt bondage.

V. MIGRANT WORKERS

36. While all the existing instruments concerning slavery, servile status and forced labour apply to aliens and migrant workers as well as others, certain mechanisms of exploitation and forms of abuse affect migrant workers in particular and require special remedial action. Migrant workers are subjected to a wide range of abuse and discrimination, most of which do not constitute slavery, servitude, or forced labour. The International Convention on the Rights of All Migrant Workers and Members of Their Families was adopted by the United Nations in 1990 in an attempt to counter these practices. The ILO has also adopted a series of conventions to address the employment of migrant workers.

VI. TRAFFICKING

37. The International Convention of 4 May 1910 for the Suppression of the White Slave Traffic imposes an obligation on the parties to punish anyone who recruits a woman below the age of majority into prostitution even with her

consent. Article 1 of the International Convention of 11 October 1933 for the Suppression of the Traffic of Women of Full Age establishes a duty to prohibit, prevent and punish the trafficking of women even with their consent.

38. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the Suppression of Traffic Convention) consolidated the earlier instruments relating to the "white slave trade" and traffic in women and children and forms the legal basis of the international protection against the traffic in persons today. The Suppression of Traffic Convention makes it an offence for a person who "[P]rocures, entices or leads away, for the purposes of prostitution, another person, even with the consent of that person." It is clear from the terms of the Convention that the recruitment does not need to be across national or international borders but could, in fact, be within a country. Article 1 of the Convention requires the woman or man being trafficked to have been recruited "to gratify the passions of another" and "for purposes of prostitution". The suggestion has been made that the requirement concerning the intentional character of the offence creates practical difficulties in implementation, and that "additional instruments should be envisaged to mitigate in certain cases that requirement concerning the subjective aspect of the offence" (E/CN.4/Sub.2/L.640, para. 89). As early as 1965 the International Criminal Police Organization (INTERPOL) recommended to the United Nations that the Suppression of Traffic Convention "be supplemented so as to cover cases of 'disguised traffic' (engaging persons for employment abroad that exposes them to prostitution)" (E/CN.4/Sub.2/AC.2/1982/13, p. 34). The suggestion was not, however, pursued.

39. There have been various suggestions since the Suppression of Traffic Convention was adopted in 1949 that the definition of "traffic in persons" should be extended to cover forms of recruitment which are not directly linked to prostitution, and also the movement of persons across international frontiers for purposes other than prostitution when they are subjected to coercion or are deceived about the nature of the work which awaits them.

40. The Convention on the Elimination of All Forms of Discrimination against Women includes in its article 6 the obligation that States parties suppress trafficking in women. In the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993, it was agreed that "[G]ender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudices and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated." The Declaration on the Elimination of Violence against Women also forbids "trafficking in women".

41. The trafficking of children is specifically prohibited under article 35 of the Convention on the Rights of the Child. The Inter-American Convention on International Traffic in Minors, adopted by the Organization of American States (OAS) on 18 March 1994, defines the scope of traffic (or trafficking) in children in greater detail than any other instrument.

42. An open-ended working group established by the Commission on Human Rights is having difficulty reaching agreement on the meaning of such terms as the "sale of children", "child prostitution" and "child pornography" in its ongoing effort to draft an optional protocol to the Convention on the Rights of the Child.

43. In 1998 the General Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children and illegal trafficking in and transporting of migrants, in addition to other issues such as illegal trafficking in firearms.

44. The Working Group on Contemporary Forms of Slavery has recognized the variety of circumstances in which trafficking occurs, adopting at its 1998 session one recommendation dealing with "Traffic in persons and exploitation of the prostitution of others", and another dealing with "Prevention of the trans-border traffic in women and girls for sexual exploitation". In the latter the Working Group explicitly declared that "trans-border trafficking of women and girls for sexual exploitation is a contemporary form of slavery and constitutes a serious violation of human rights".

VII. PROSTITUTION

45. The Suppression of Traffic Convention requires States to punish "any person who, to gratify the passions of another ... procures, entices or leads away, for purposes of prostitution, another person ..." or "otherwise exploits the prostitution of another person". The prohibition on procuring and the exploitation of prostitution refers both to cases in which the prostitute is subjected to some form of coercion, and to acts carried out "even with the consent of that person" (that is, the man or woman involved as a prostitute).

46. International standards do not contain a definition of prostitution, leaving room for uncertainty about the extent of the activities covered (i.e., acts of sexual intercourse, or also other acts or services of a sexual nature). Prostitution is most commonly interpreted according to its ordinary meaning, that is "any sexual act offered for reward or profit". The language used in the Suppression of Traffic Convention makes it clear that the reference to prostitution includes men practising prostitution, as well as women and children under the age of 18.

47. Prostitution itself is not explicitly prohibited by international standards when it involves men or women aged 18 or over practising as prostitutes, and States are not required to punish prostitutes. The Suppression of Traffic Convention states that prostitution and "the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community ...", implying, but not specifying that the act of prostitution should be discouraged. Reporting to the United Nations Commission on the Status of Women in 1983, the Special Rapporteur on the suppression of the traffic in persons and the exploitation of the prostitution of others noted that he chose to take "the human rights approach", from which point of view, he suggested, "we, like the Commission on Human Rights, consider prostitution to be a form of slavery" (E/1983/7, para. 17).

48. Most other international instruments are clear in requiring action against "the exploitation of prostitution" (emphasis added) by others, and it

is usually in this context - of exploitation of prostitutes for profit, and with it the possibility that the prostitute is manipulated or subjected to coercion - that the exploitation of prostitution is considered to be related to slavery. The Convention on the Elimination of All Forms of Discrimination against Women, for example, requires States parties to suppress the "exploitation of prostitution of women".

49. While there is continuing debate about whether adult prostitution should be tolerated in some circumstances, there is no such equivocation in relation to children. The Convention on the Rights of the Child is clear in prohibiting "all forms of sexual exploitation and sexual abuse".

50. The concept of sexual slavery is closely related to forced prostitution but is a separate and distinct form of sexual exploitation. There does not have to be any financial gain in sexual slavery; it is merely the imposition of absolute control or power of one person over another. It is the sexual exploitation of individuals through the use or threat of force, often occurring in times of war, armed conflict, or belligerent occupation. Sexual slavery violates the fundamental guarantees of basic human rights in the International Bill of Human Rights and the Four Geneva Conventions of 12 August 1949 for the protection of victims of war applicable during periods of armed conflict.

VIII. FORCED MARRIAGE AND THE SALE OF WIVES

51. The Supplementary Convention of 1956 identifies institutions or practices akin to slavery to which women can be subjected in the context of marriage. These practices also violate the Universal Declaration which provides, "Marriage shall be entered into only with the free and full consent of the intending spouses."

IX. CHILD LABOUR AND CHILD SERVITUDE

52. A number of international standards address the issue of the exploitation of children's labour, in particular by seeking to prohibit employment below a specified minimum age. Other standards identify circumstances or conditions in which no children may be employed. Not all forms of child labour fall within the definition of slavery or servitude.

X. OTHER ISSUES

53. There are a number of other issues which have been considered by the Working Group on Contemporary Forms of Slavery: apartheid, colonialism, trafficking in human organs and incest. Although these practices generally constitute serious violations, they may not all fall within the ambit of the international conventions abolishing slavery.

XI. INTERNATIONAL MONITORING MECHANISMS

54. International human rights law has evolved a number of mechanisms for ensuring implementation and monitoring. Since 1966 all major human rights treaties have provided for an expert body, such as the Human Rights Committee under the International Covenant on Civil and Political Rights, to oversee

implementation of their respective multilateral conventions by receiving and reviewing periodic reports from the States that have ratified the relevant human rights treaties. Under the authority of the Charter of the United Nations rather than based upon a specific human rights treaty, the Commission on Human Rights has developed several additional mechanisms for monitoring human rights. One of the most visible measures which the Commission can take with respect to a violating Government is to establish a special rapporteur, special representative or working group to investigate and publish a report on the situation. In addition, the Commission has established thematic special rapporteurs and working groups to deal with particular kinds of violations. The Sub-Commission on Prevention of Discrimination and Protection of Minorities has, as authorized by the Economic and Social Council and the Commission on Human Rights, established three inter-sessional working groups on contemporary forms of slavery (1975), indigenous populations (1982) and minorities (1995).

55. The principal monitoring system of the ILO is based on reports received from Governments and is exercised by the Committee of Experts on the Application of Conventions and Recommendations. Article 22 of the ILO Constitution requires that all States report periodically on the conventions to which they are parties. The second type of supervision exercised by the ILO involves an investigation into allegations that a State has failed to comply with its obligation under a convention it has ratified. At its eighty-sixth session in 1998 the International Labour Conference adopted the ILO Declaration on Fundamental Principles and Rights at Work. The Declaration relates to forced labour and the follow-up annexed to the Declaration provides for two new monitoring reporting mechanisms that will afford a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period.

56. Most international mechanisms for implementation have been developed since the advent of the treaties which prohibit slavery and slavery-like practices and thus did not incorporate procedures which are indispensable for monitoring compliance with human rights obligations.

XIII. CONCLUSION

57. There is no mechanism for the monitoring and enforcement of States' obligations to abolish slavery and related practices and the Working Group has not yet taken over this responsibility in a systematic fashion. The right of all individuals to be free from slavery is a basic human right; yet this lack of an adequate implementation procedure does little to encourage Member States to establish safeguards against all contemporary forms of slavery. The Working Group's mandate could be extended to incorporate such a function to provide for a systematic review procedure. Alternatively, the Working Group could improve its own procedures to focus on thematic issues relevant to the prevention of slavery. Another option would be for the Working Group to be reformed into a Special Rapporteur of the Commission on Human Rights. The Working Group should consider these options at its forthcoming session.
